

## memorandum

DATE: September 23, 1982

REPLY TO  
ATTN OF: Mark Hayes *M.H.*

SUBJECT: House committee action on S. 2355  
"Telecommunications for the Disabled Act of 1982"

TO: Jack Lee

Today the House Energy and Commerce Committee considered and ordered favorably reported S. 2355, a bill to provide that persons with impaired hearing are ensured reasonable access to telephone service.

However, the version approved by the House committee differs from the Senate-approved version in certain respects. Specifically, the committee first considered a new bill (H.R. 7168) introduced yesterday by Rep. Wirth. An amendment to H.R. 7168 was offered by Rep. Broyhill and approved by the committee by unanimous consent (re: state PUCs to ensure compliance). The committee then approved H.R. 7168 (by voice vote), including the Broyhill amendment.

Thereafter, S. 2355 was ordered favorably reported, after a motion by Rep. Wirth to insert the language of the similar House bill (H.R. 7168, as amended) was agreed to by unanimous consent. Consequently, the bill which will move forward in the House will have the number S.2355 and will have the language of H.R. 7168.

The House and Senate versions are similar. Attention is called to the following sections of the House version which differ from the Senate version: Title of Act; Section 610(b), (g), & (h). (Subsection (h) is the Broyhill amendment.)

Attached are copies of:

- H.R. 7168, as introduced
- The Broyhill amendment
- S. 2355, as approved by the Senate

The staff plans to have the committee report prepared by the end of this week, and the bill may be considered by the House as early as next Monday (Sept. 27).

## 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)

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.

TELECOMMUNICATIONS FOR  
THE DISABLED ACT OF 1982

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2355) to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service, as amended.

The Clerk read the Senate bill, as follows:

S. 2355

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.

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"(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-

sure 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."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

**GENERAL LEAVE**

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to insert letters of support, and that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to insert in the RECORD letters of support, and to allow Members 5 legislative days to revise and extend their remarks.

The Telecommunications for the Disabled Act of 1982 represents a consensus approach to the need of persons with hearing impairments or other physical disabilities to have access to the telecommunications services that are vital to life in modern society. The bill has been endorsed by each of the major carriers and by representatives of the telephone manufacturing industry. It is supported by groups representing the disabled, including Easter Seals, the American Association of Retired Persons, and the Disabled American Veterans. It is a commonsense and economic approach to a problem that has vexed several Congresses. It recognizes the historic commitment of the telephone companies to accommodate the handicapped and relies on that tradition, rather than on Government subsidies and Federal regulation.

The Committee on Energy and Commerce has unanimously reported S. 2355, the Telecommunications for the Disabled Act of 1982. This legislation takes two constructive steps to insure that disabled Americans continue to have access to our telephone network. First, the bill modifies a regulation issued by the Federal Communications Commission (FCC) that would prevent State regulators from making specialized telephone equipment available to the disabled. Second, the legislation directs the FCC to establish a technical standard to insure that telephones needed by persons with impaired hearing are compatible with hearing aids.

Unless Congress acts during the special session, the FCC regulation will become effective on January 1, and

disabled Americans will no longer be able to obtain new terminal equipment under State-supervised tariffs. As the executive director of the Paralyzed Veterans of America recently wrote to me:

I want to express my gratitude for your efforts. The FCC regulation would preclude many individuals from obtaining this necessary, and often only, means of contact with other people, including vital medical and emergency personnel. . . . Telephone companies would be prevented from subsidizing special and unique equipment to meet the needs of handicapped individuals. . . . In certain cases, preventing their gainful employment. This decision. . . presents a great hardship and peril to many of our most catastrophically disabled citizens.

More than one-third of all Americans over 65 wear hearing aids. The legislation recognizes the difficulties that these persons encounter when they need to use noncompatible telephones. All standard Bell telephones are now compatible; AT&T, GTE, and some independent telephone companies have also retrofitted coin telephones. Nonetheless, places of business are installing increasing numbers of noncompatible telephones, generally because they are unaware that many of their customers will be unable to use them. The result is an unnecessary hardship, since at the present time new telephones can be manufactured to be compatible without any significant increase in cost.

A broad coalition has recognized the need for this legislation. The Nation's major telephone carriers have joined the North American Telephone Association in approving the Telecommunications for the Disabled Act. Representatives of the handicapped community and the medical profession (including the Disabled American Veterans and the American Association of Retired Persons) also endorse S. 2355.

Historically, the telephone industry (particularly Bell Labs) has done an outstanding job of developing technology that allows the disabled to use our telephone network. An intrusive Federal regulation should not interfere with the development of these technologies or prevent telephone carriers from making them available to the handicapped in cooperation with the State commissions. I urge your support for this consensus legislation, which is vital to America's elderly and disabled citizens.

**MODIFYING THE COMPUTER RULE**

After the introduction of this bill, AT&T petitioned the Commission for a temporary waiver of the computer rule, 47 CFR 64.702, which precludes a carrier from offering terminal equipment on a regulated basis. Subsequently, Mr. David Saks on behalf of the Organization for the Use of the Telephone requested that the Commission extend such a waiver to allow all telephone companies to offer specialized terminal equipment under tariff. Mr. Saks subsequently clarified

that he intended such a waiver to be permanent.

Passage of this legislation moots the pending waiver proceedings by removing specialized terminal equipment from the jurisdiction of the computer rule. The Commission will be required to adopt a permanent modification of the computer rule to allow States to tariff specialized equipment.

For years, the special needs of the disabled have not received adequate attention at the Commission. The Commission has taken no action to resolve the issues raised in Docket 78-50, opened 4 years ago to consider standards for hearing aid compatibility and to resolve problems facing the deaf. There is no evidence that the Commission gave any consideration to the needs of the disabled during the second computer inquiry, which led to the indiscriminate prohibition on the tariffing of terminal equipment.

Given such neglect, explicit legislative guidance is required. The Commission must forbear from forcing the States to deregulate any device that the disabled need in order effectively to use the Nation's telephone services. Specialized equipment now includes teletypewriters for the deaf, "hands off" equipment for quadriplegic telephone users, and artificial larynxes for persons unable to speak. It also includes optional equipment, such as speakerphones and automatic dialers, but only provided that tariffs are limited to those users who need these features in order to use telephone services effectively and independently. Automatic dialers and speakerphones could only be made available under tariff only to persons with impaired memory or mobility, not to the public at large.

In the future, the Commission may define by rule the scope of the "specialized terminal equipment" which this bill authorizes States to tariff; the Commission may attempt to enjoin tariffs that it regards as overbroad. The legislation intends a flexible reading of the term, placing primacy on the needs of the handicapped and on the desirability of making new technologies broadly available to disabled groups.

The legislation recognizes that States will not necessarily require that carriers offer terminal equipment under tariff. It recognizes that many carriers will continue their outstanding efforts of providing below-cost equipment on a deregulated basis, subsidized by charitable contributions from its shareholders. In such a case, there may be no reason for the State to prescribe tariffs for the affected equipment.<sup>1</sup> The bill simply states

<sup>1</sup>The bill does not "specify that offerings of specialized terminal equipment be under tariff," and it is "permissible for carriers to offer such equipment under tariff or on a deregulated basis." The State commission may direct the carrier to provide affordable specialized equipment to the handicapped; the carrier may elect to do so on an unregulated basis subsidized by the shareholders rather than on a regulated basis subsidized by the ratepayers.

that the Commission cannot interfere with the State's decision to tariff such equipment and to allow the recovery of reasonable and prudent costs not charged directly to the user in tariffs for regulated services.

The Commission should continue to prevent distortions in the nationwide markets for terminal equipment by precluding a State from allowing recovery of any excess over the reasonable and prudent costs of providing terminal equipment on a subsidized basis. In particular, the State may not authorize a carrier to recover in tariffs for regulated services the costs of discriminatory procurement practices. Moreover, the State may not include as expenses in any regulated rate base contributions made to an affiliated entity ostensibly to subsidize equipment, unless such entity files tariffs (or other justifications of costs) to show that the costs of such equipment exceeded the price at which it was sold by an amount not less than the contribution allowed from the rate base.

The principle of the legislation is straightforward. The Commission can only preempt a State tariff when it demonstrates one of three conditions: First, the tariff concerns equipment other than specialized terminal equipment; that is, it involves devices that are not necessary for the disabled to use generally available telecommunications services (or those services that have been specially designed for their use) effectively or without assistance. Second, the tariff makes specialized equipment which has general utility (such as speakerphones) to persons who do not require it by virtue of a physiological impairment. Third, a tariff for regulated services includes costs of providing equipment that are not "reasonable and prudent," including any claimed reduction in the price at which an unregulated affiliate offers equipment that the carrier does not demonstrate to be below the actual costs of production and distribution.

ESTABLISHING A TECHNICAL STANDARD FOR EFFECTIVE USE OF TELEPHONES WITH HEARING AIDS

The second purpose of the legislation is to insure that persons with impaired hearing have access to essential telephones that are compatible with hearing aids. Today, these citizens face a hardship that is totally unnecessary, since current technology allows new telephones to be manufactured for compatibility without any significant increase in cost. A uniform technical standard is essential to insure that these Americans can travel among the States, transact business, and seek employment without discrimination based on their disability.

Persons with impaired hearing have experienced special difficulty in obtaining telephone service offered to the public in hotels and other places of public accommodation. While traveling away from home, these persons have been unable to call their families

from certain hotel rooms, to use telephones in business meeting rooms, or even to seek emergency aid from elevators. Although the hotel industry has attempted to accommodate these guests, it was often prevented from doing so by the absence of a uniform technical standard and adequate labeling requirements. Therefore, the bill does not require that hotel owners retrofit telephones (other than emergency phones). Except with regard to emergency phones, the bill does not extend the jurisdiction of the Commission, nor does it express or imply an intention with regard to any pending or future proceeding under sections 201 and 208 of the Communications Act, or affect the tariffing obligations under those sections which the Commission recently recognized in its Competitive Carrier rulemaking.

The purpose of the bill is not to freeze technology. It does not mandate any particular method for achieving compatibility with hearing aids. Currently, magnetic induction provides a means for providing compatibility without incurring additional manufacturing costs. In the future, new technologies may make possible improved service to the ordinary user. This bill promotes efficiency by encouraging the development of those new technologies while holding the hearing-impaired user harmless from any potential degradation of hearing-aid compatible service.

□ 1230

Mr. KAZEN. Mr. Speaker, will the distinguished gentleman yield?

Mr. WIRTH. I am glad to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I am very glad to hear the explanation the gentleman has made. I have been contacted by motel and hotel people who were under the impression that this measure would make it mandatory for them to have these telephones in every single room.

Mr. WIRTH. That is not the case. That was the case in previous legislation, but it seemed to us on the committee that this was an onerous provision.

Let me add at this point that the objections of some members of the hotel and motel industry to not reflect on the general attitude or record of hotel and motel owners across our country to accommodate all their guests, including those with physical disabilities. Today, without the benefit of a uniform standard, equipment is manufactured with a variety of inductive characteristics, and it is not possible to design a hearing aid that is compatible with all of them. As a result, hotel owners often do not know whether the equipment they buy is or is not compatible. In the future, virtually all equipment will have the same magnetic characteristics and will be compatible with hearing aids. The hotel owner will know any exceptions—noncompa-

tible equipment will be clearly packaged. Hotels will have the opportunity, which they generally do not have today, to choose whether they want to have compatible equipment. With comparable prices, one would expect the overwhelming majority of the hospitality industry to accommodate their guests. The requirements placed on those who choose, for some reason, to buy noncompatible systems is minimal. In the face of these minimal burdens, we have a substantial benefit to the hearing-impaired population. Over one-third of all Americans over 65 is hearing impaired. This bill assures that they will be able to phone home when they travel, to participate equally in conventions and business meetings, and to summon help if they are trapped in an elevator.

Mr. KAZEN. It certainly would be if that were to be the requirement because there are not that many people who are hotel guests in proportion to the people who do not need the telephones, so it is not necessary to have the entire industry go to this great expense of converting.

Mr. Speaker, will the gentleman go over that requirement again or explain the suggestion again?

Mr. WIRTH. Mr. Speaker, I will be glad to do that.

As far as having coin telephones be compatible, the industry is very happy with doing that. They are in the process of doing it anyway.

Mr. KAZEN. Mr. Speaker, does the gentleman refer to the manufacturing industry?

Mr. WIRTH. The manufacturers, the distributors, and the carriers.

Mr. KAZEN. All right.

Mr. WIRTH. The manufacturers are in the process of moving toward that kind of standard so that all equipment is compatible with hearing aids. The suppliers want uniformity. Since all instruments have to have a magnetic field, it makes sense to adjust telephones to have uniform strength and orientation so that hearing aids can work with telephones from different manufacturers.

Let us consider the perspective of service providers, say, a hotel or motel. If you were operating a motel in downtown Dallas, the law would not apply (except to emergency phones) until you bought a new telephone system. Compatible systems are available at comparable prices, so one would expect that most hotels would simply buy compatible phones. But if, for some reason, a hotel elects a system that is not compatible, it can simply maintain a reasonable number of instruments for hearing-aid wearers to use on demand. These could be rooms reserved for the hearing impaired, or there could even be portable instruments that the hearing impaired could request. But there is no requirement that every telephone in the lobby or every room would have to have telephones that are compatible with hearing aids.

Mr. KAZEN. Mr. Speaker, what does the gentleman consider as a reasonable requirement?

Mr. WIRTH. We had a similar discussion in hearings on H.R. 5158. We encouraged the FCC to work with the industry. Working together, so that the manufacturing industry will come in, along with the motel and hotel industry, and we say that a 20-percent level could be reached in the lobbies, and that there would be 1 out of 10 rooms that would be compatible. And then the Commission would determine what was a reasonable number.

I would also point out, if I may, that this is in a transitional period. As telephones are being replaced, older hotels and motels are going to be replacing their equipment as they go along anyway, and virtually all the new equipment manufactured after this legislation would be compatible anyway. So 5 years from now or 8 years from now it is not going to be a concern. It is in the transitional phase that the FCC should give particular concern to encouraging voluntary compliance with the legislation and its purposes.

Mr. KAZEN. Mr. Speaker, I thank the gentleman.

Mr. WIRTH. Mr. Speaker, I thank the gentleman for his questions.

Mr. McDONALD. Mr. Speaker, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Georgia.

Mr. McDONALD. Mr. Speaker, I appreciate the gentleman's yielding.

I was curious about one aspect of this. What is the estimated cost that would be required for hotels and motels? Can the gentleman give us a cost estimate?

Mr. WIRTH. Mr. Speaker, a great number of the motels and hotels already have this equipment available, and as to installing any kind of new hearing compatible phone, there is no greater cost now. One can go, for example, to the Bell Telephone System or its new subsidiary and find that all standard telephones are compatible. You just cannot buy a nonconforming telephone. From most other manufacturers, the cost of a hearing compatible phone is no different from the cost of a regular telephone. I am pleased to submit representative letters from manufacturers which assured us that this legislation will not increase the cost of new telephones.

TELTOKE,  
December 9, 1982.

Hon. TIMOTHY WIRTH,  
Chairman, House Telecommunications Sub-  
committee, Washington, D.C.

DEAR SIR: Teltone Corporation is a manufacturer of telecommunications equipment. This letter will confirm that S. 2355 presents a good solution to assure electromagnetic compatibility between the telephone and the hearing aid.

It is our opinion, as a manufacturer and supplier of related products, that such compatibility insofar as new telephone instruments are concerned, can be realistically achieved within the time frame proposed by

legislation and with insignificant additional cost to the manufacturer.

Sincerely,

TELTOKE CORPORATION,  
DALE E. JOHNSON,  
Vice President, Sales

CREST INDUSTRIES, INC.,  
Puyallup, Wash., December 9, 1982  
Hon. TIMOTHY WIRTH,  
Chairman, House Telecommunications Sub-  
committee, Rayburn Building, Washing-  
ton, D.C.

DEAR MR. WIRTH: As manufacturers of telephone equipment including miniature transfer keys, two-line telephones and modular hardware, this is to confirm that S. 2355 and the corresponding House Bill present a feasible and affordable solution to the problem of ensuring electromagnetic compatibility between telephone receivers and hearing aids. It is our opinion as a supplier of telephone instruments and related products, that such compatibility insofar as new telephone instruments are concerned, can be realistically achieved within the time frame proposed by legislation and at insignificant additional cost to manufacturers.

Should you have any questions, please contact me at Crest Industries, Puyallup, Washington, telephone 927-6922.

Sincerely,

EARL L. MASON,  
Vice President, Corporate Planning.

Mr. McDONALD. Mr. Speaker, if the gentleman will yield further, I was particularly curious about the small hotels and motels. Would there be any cost to them?

Mr. WIRTH. There would be no significant costs. There is no retrofitting required under the legislation. If you have a hotel or a motel now that has no hearing compatible telephones, there is no requirement for retrofitting. All we are saying is that when new telephones are put in, the standards are there anyway and these are going to have the technical capability of handling the hearing-impaired.

So we do not say that you would have to go back and redo rooms or tear out telephones of that sort. It is all for new installations.

Mr. McDONALD. Mr. Speaker, I thank the gentleman.

Mr. SIMON. Mr. Speaker; will the gentleman yield?

Mr. WIRTH. I am pleased to yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I simply want to join with the gentleman from Colorado (Mr. WIRTH), and I want to express my appreciation to him and to the subcommittee for providing leadership here in an area that is extremely important to a great many Americans. I am pleased to join in support of this legislation.

Mr. Speaker, the Telecommunications for the Disabled Act is a vital step in assuring that the handicapped members of our society have an equal opportunity to participate in the social and work opportunities in this Nation. The act requires the establishment of uniform standards to insure that essential telephones—those phones which are to be found in public facilities, workplaces, businesses, and which are to be used to summon help in case

of emergencies—are accessible to the disabled population.

The telephone companies of this country have done an admirable job in designing and providing equipment for the handicapped. The Bell System in particular has demonstrated a substantial commitment to providing the best feasible service to disabled customers. In most cases, it has been a cooperative effort between telephone companies, State utility commissions and the Federal Communications Commission to insure that the disabled have reasonable access to telephone service. In many cases, the physically impaired have been able to afford these innovations only because telephone companies have provided specialized equipment at below cost. However, a recent Federal Communications Commission decision prohibits telephone companies from subsidizing terminal equipment and requires users to pay the full cost of equipment in their homes and places of business. The effect of this ruling could be devastating to the handicapped. The Telecommunications for the Disabled Act would only insure that individuals with disabilities would have access to telephone services at affordable costs. I encourage you to support this important legislation.

Mr. WIRTH. Mr. Speaker, I thank the gentleman from Illinois.

In closing, Mr. Speaker, let me point out that this legislation is also sponsored by the ranking minority member of the Energy and Commerce Committee, the gentleman from North Carolina (Mr. BROYHILL) and was unanimously reported out of the full committee. Our subcommittee held hearings on this issue on March 27, 1980 and February 26, 1982. Extensive hearings were also held on the Senate side, with various aspects of the industry represented.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DANNEMEYER asked and was given permission to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, on behalf of my colleague, the gentleman from Virginia (Mr. BLILEY), a member of the subcommittee, who met with an unfortunate accident this morning and cannot be on the floor to address the House concerning this legislation, I would like to make this following statement on behalf of the gentleman relative to S. 2355.

The remarks of the gentleman from Virginia (Mr. BLILEY), are as follows:

Though I concur with the bill's purpose of insuring telephone service for the deaf and other handicapped individuals, the manner of achieving this goal poses several questions which need further consideration.

The Telecommunications Subcommittee, which has jurisdiction over S. 2355, never held a hearing or markup

session. Only one witness was heard on "related provisions" of H.R. 5158. The bill was brought before the Energy and Commerce Committee on extremely short notice during consideration of other unrelated measures.

In urging local telephone companies to continue to provide subsidized service to the handicapped, the bill would require an alteration of the FCC's "computer II" decision which was upheld by the U.S. court of appeals only last month. And it would require that the changes be made before January 1, 1983, only 3 weeks away.

S. 2355 would preempt all State regulations on the subjects covered and then ask States to bear the burden of enforcing the Federal law. The bill would regulate not only technical standards for phone equipment but require "detailed guidance as to the locations where . . . telephones must be available" in drugstores, gas stations, private clubs, workplaces, and hotels and motels.

Over 80 percent of all telephones in the United States are already hearing aid-compatible. Every coin-operated phone in the Bell and GTE systems is already in compliance. Hotel and motel operators have offered to work with organizations for the handicapped to voluntarily insure that phone service is available.

In short, this bill is a prime example of "duck fever." An attractive title hides a vast and probably unneeded new regulatory program. Affected industries and consumers deserve the courtesy of a hearing and proper legislative procedure.

Mr. BROYHILL. Mr. Speaker, I would like to make one point in order to clarify an ambiguity in this legislation. S. 2355 does not grant jurisdiction to any Government agency to require any person to manufacture "essential" telephones or to market such telephones to anyone desiring to purchase or lease an essential telephone. There is every reason to believe that the marketplace will insure that a large supply of essential telephones are manufactured and marketed. But if it does not, one can point to this bill as granting jurisdiction to any Government agency to require that such phones are either manufactured or marketed.

Mr. DANNEMEYER. Mr. Speaker, I reserve the balance of my time.

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MINETA).

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I rise in support of S. 2355, the Telecommunications for the Disabled Act of 1982.

Unless Congress acts now, Federal Communications Commission regulations prohibiting State regulators from making subsidized specialized telephone equipment available to the disabled will go into effect on January

1983. It is vital to the very existence of the hearing impaired and disabled that they are insured access to our telephone network. Use of a telephone is not a luxury, it is a necessity. Particularly for the disabled person, access to a telephone could mean the difference between life and death.

State regulators must be allowed to set a subsidized rate for the specialized terminal equipment. The full cost of this equipment would put it out of reach of most hearing impaired and handicapped individuals.

S. 2355 would also require that all new telephones be made compatible with hearing aids. Although all Bell telephones are currently compatible with the aids, the proliferation of new telephone equipment has seen a rise in noncompatible terminals. One-third of all Americans over 65 wear hearing aids. It is imperative that these people have access to our network telephone. This bill would direct the FCC to establish a technical standard for the manufacture of compatible telephones to insure this access.

S. 2355 has the backing of the Nation's major telephone carriers, State regulators, the handicapped community, and the medical profession. I urge a "yes" vote.

Mr. CORRADA. Mr. Speaker, I rise in support of S. 2355, to amend the Federal Communication Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service.

Telephone services have become the most important means of communication in today's fast growing world. The telephone companies have been providing services to the physically disabled by selling these users special telephone equipment below cost, and the unrecovered cost of including these persons in the network are shared by all users. According to a new regulation issued by the FCC, that will become effective January 1, 1983, the telephone company will be impeded from subsidizing the physically disabled users to pay the full costs of the equipment.

This bill will help the many U.S. citizens with impaired hearing in Puerto Rico as well as the mainland, to have access to telephone services by requiring the Federal Communications Commission to develop regulations to assure reasonable access to the hearing impaired and other handicapped persons and allowing the State regulatory commission to permit the telephone company to recover costs of providing such equipment by spreading the costs among all users of the system.

I urge my colleagues to vote in favor of S. 2355 and thank them for their support.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of S. 2355, as amended, the Telecommunications for the Disabled Act of 1982.

The purpose of this bill is simple: insure that hearing-impaired and other physically disabled Americans can enjoy greater access to the telephone network in our Nation.

Every day more telephones are being installed in homes, hospitals, schools and businesses with receivers that are useless to hearing-aid users. These receivers work, and look, like any other telephone receiver, except for one important difference—they do not give off an electromagnetic signal strong enough to be picked up by the magnetic pickup or "telecoil" in many hearing aids. They are thus incompatible with hearing aids. Of the 170 million telephones in the United States today, an estimated 40 million are incompatible with hearing aids and the number is growing.

Is the problem serious? With millions of Americans—estimates run as high as 16 million—suffering impaired hearing, and with as many as 3 million of these reliant on hearing aids, the answer is "Yes."

The incompatibility of telephone equipment with hearing aids is especially serious for the many hearing-impaired elderly who are homebound and heavily dependent upon the telephone.

The problem affects not only the hearing impaired—their family, friends, coworkers, and others who must communicate with them. With incompatible phone units such communication for personal, social, and business purposes—not to mention vital health and emergency needs—becomes impossible.

The Telecommunications for the Disabled Act recognizes and begins to address this problem by insuring that hearing impaired Americans have reasonable access to telephones that are compatible with hearing aids. It requires that all essential telephones—public and emergency phones, and telephones frequently used by the hearing impaired, for example—be made compatible with hearing aids.

Although S. 2355 does not go as far as my bill, H.R. 375, in requiring that all telephones work with all hearing aids, everywhere, it does insure that the hard of hearing are not completely excluded from the communications system.

I ask my colleagues to join me in voting for S. 2355, the Telecommunications for the Disabled Act of 1982.

The Telecommunications for the Disabled Act does not require expensive retrofitting of those phones now in place.

It does not require research and testing of new, expensive technologies.

The telephone industry supports the bill and has advised the Subcommittee on Telecommunications that making telephones compatible with hearing aids will not increase the costs of new telephones.

Mr. WIRTH. Mr. Speaker, I have no further requests for time.

Mr. DANNEMEYER. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the Senate bill, S. 2355, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

TELECOMMUNICATIONS FOR THE DISABLED ACT OF 1982

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2355, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the Senate bill, S. 2355, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 365, nays 14, not voting 54, as follows:

[Roll No. 435]

YEAS—365

- |                 |               |              |
|-----------------|---------------|--------------|
| Addabbo         | Dicks         | Hansen (UT)  |
| Akaka           | Dingell       | Harkin       |
| Alexander       | Dixon         | Hawkins      |
| Anderson        | Donnelly      | Heckler      |
| Andrews         | Dorgan        | Hefner       |
| Annunzio        | Dornan        | Heftel       |
| Anthony         | Dowdy         | Hendon       |
| Applegate       | Downey        | Hertel       |
| Archer          | Dreier        | Hightower    |
| Ashbrook        | Duncan        | Eller        |
| AuCoin          | Dunn          | Hillis       |
| Bafalis         | Dwyer         | Hollenbeck   |
| Bailey (MO)     | Dymally       | Holt         |
| Bailey (PA)     | Dyson         | Hopkins      |
| Barnard         | Early         | Horton       |
| Barnes          | Eckart        | Howard       |
| Beard           | Edgar         | Hoyer        |
| Bedell          | Edwards (AL)  | Hubbard      |
| Benedict        | Edwards (CA)  | Huckaby      |
| Bennett         | Edwards (OK)  | Hughes       |
| Bereuter        | Emerson       | Hunter       |
| Bethune         | English       | Hutto        |
| Bevill          | Erdahl        | Hyde         |
| Biaggi          | Erlenborn     | Jacobs       |
| Bingham         | Evans (IA)    | Jeffords     |
| Boggs           | Evans (IN)    | Jeffries     |
| Boland          | Fary          | Jones (NC)   |
| Boner           | Fazio         | Jones (OK)   |
| Bonior          | Penwick       | Jones (TN)   |
| Bonker          | Ferraro       | Kastenmeier  |
| Bouquard        | Fiedler       | Kasten       |
| Bowen           | Fields        | Kemp         |
| Breaux          | Findley       | Kennelly     |
| Brinkley        | Fish          | Kildee       |
| Broadhead       | Fithian       | Kindness     |
| Broomfield      | Flippo        | Kogovsek     |
| Brown (CA)      | Florio        | Kramer       |
| Brown (CO)      | Foglietta     | LaFalce      |
| Brown (OH)      | Foley         | Lagomarsino  |
| Broyhill        | Ford (MI)     | Lantos       |
| Burgener        | Ford (TN)     | Latta        |
| Burton, John    | Forsythe      | Leach        |
| Burton, Phillip | Fountain      | Leath        |
| Byron           | Frank         | LeBoutillier |
| Campbell        | Frenzel       | Lee          |
| Carman          | Fuqua         | Leland       |
| Cheney          | Garcia        | Levitas      |
| Clausen         | Gaydos        | Lewis        |
| Clay            | Gejdenson     | Livingston   |
| Clinger         | Gephardt      | Loeffler     |
| Coats           | Gibbons       | Long (LA)    |
| Coelho          | Gilman        | Long (MD)    |
| Coleman         | Ginrich       | Lott         |
| Collins (IL)    | Ginn          | Lovry (WA)   |
| Conable         | Glickman      | Lujan        |
| Conte           | Gonzales      | Lukin        |
| Corcoran        | Goodling      | Lundine      |
| Coughlin        | Gore          | Madigan      |
| Courter         | Gradison      | Marky        |
| Coyne, James    | Gramm         | Marks        |
| Coyne, William  | Gray          | Marlenee     |
| Craig           | Gregg         | Martin (IL)  |
| Crane, Daniel   | Grisham       | Martin (NY)  |
| D'Amours        | Guarini       | Mastrorillo  |
| Daniel, R. W.   | Gunderson     | Mattox       |
| Daschle         | Hagedorn      | Mazoli       |
| Daub            | Hall (IN)     | McClary      |
| Davis           | Hall (OH)     | McCloskey    |
| de la Garza     | Hall, Sam     | McCollum     |
| Deckerd         | Hamilton      | McCurdy      |
| Dellums         | Hammerschmidt | McDade       |
| DeNardis        | Hance         | McDewen      |
| Derrick         | Hansen (ID)   | McGrath      |
| Derwinski       |               | McHugh       |

- |               |               |               |
|---------------|---------------|---------------|
| McKinney      | Regula        | Stark         |
| Mica          | Reuss         | Staton        |
| Michel        | Rinaldo       | Stenholm      |
| Mikulski      | Ritter        | Stokes        |
| Miller (CA)   | Roberts (KS)  | Stratton      |
| Miller (OH)   | Roberts (SD)  | Studds        |
| Mineta        | Rodino        | Swift         |
| Minish        | Roe           | Synar         |
| Mitchell (MD) | Roemer        | Tauke         |
| Molinar       | Rogers        | Tauzin        |
| Mollohan      | Rose          | Taylor        |
| Montgomery    | Rostenkowski  | Traxler       |
| Moore         | Roth          | Trible        |
| Morrison      | Roukema       | Udall         |
| Mott          | Rousselot     | Vander Jagt   |
| Murphy        | Roybal        | Vento         |
| Murtha        | Russo         | Volkmer       |
| Myers         | Sabo          | Walgren       |
| Napier        | Santini       | Walker        |
| Natcher       | Sawyer        | Wampler       |
| Nelligan      | Scheuer       | Watkins       |
| Nelson        | Schneider     | Waxman        |
| Nichols       | Schroeder     | Weaver        |
| Nowak         | Schulze       | Weber (MN)    |
| O'Brien       | Schumer       | Weber (OH)    |
| Oaker         | Selberling    | Weiss         |
| Oberstar      | Sensenbrenner | White         |
| Obey          | Shamansky     | Whitehurst    |
| Offinger      | Shannon       | Whitley       |
| Oxley         | Sharp         | Whittaker     |
| Panetta       | Shaw          | Whitten       |
| Parris        | Shelby        | Williams (MT) |
| Pashayan      | Siljander     | Williams (OH) |
| Patman        | Simon         | Winn          |
| Patterson     | Skeen         | Wirth         |
| Pease         | Skelton       | Wolf          |
| Pepper        | Smith (AL)    | Wolpe         |
| Perkins       | Smith (IA)    | Wortley       |
| Petri         | Smith (NE)    | Wright        |
| Peyser        | Smith (NJ)    | Wyden         |
| Pickle        | Smith (OR)    | Wylie         |
| Porter        | Snowe         | Yates         |
| Price         | Snyder        | Yatron        |
| Pritchard     | Solarz        | Young (AK)    |
| Quillen       | Solomon       | Young (FL)    |
| Rahall        | Spence        | Young (MO)    |
| Rangel        | St Germain    | Zablocki      |
| Ratchford     | Stangeland    | Zerferetti    |

NAYS—14

- |                |             |          |
|----------------|-------------|----------|
| Badham         | Dannemeyer  | Robinson |
| Butler         | Hall, Ralph | Rudd     |
| Collins (TX)   | Johnston    | Shumway  |
| Crane, Phillip | McDonald    | Stump    |
| Daniel, Dan    | Paul        |          |

NOT VOTING—54

- |           |             |               |
|-----------|-------------|---------------|
| Albosta   | Evans (DE)  | Martinez      |
| Aspin     | Evans (GA)  | Mavroules     |
| Atkinson  | Fascell     | Mitchell (NY) |
| Bellenson | Fowler      | Moakley       |
| Bianchard | Frost       | Moffett       |
| Billie    | Goldwater   | Moorhead      |
| Bolling   | Green       | Neal          |
| Brooks    | Hartnett    | Pursell       |
| Carney    | Hatcher     | Rafisback     |
| Chappell  | Holland     | Rhodes        |
| Chapple   | Ireland     | Rosenthal     |
| Chisholm  | Jenkins     | Savage        |
| Conyers   | Lehman      | Shuster       |
| Crockett  | Lent        | Smith (PA)    |
| Dickinson | Lowery (CA) | Stanton       |
| Dougherty | Lungren     | Thomas        |
| Emery     | Marriott    | Washington    |
| Ertel     | Martin (NC) | Wilson        |

Mr. BUTLER and Mr. PHILIP M. CRANE changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 to provide reasonable access to telephone service for persons with impaired hearing and to enable telephone companies to accommodate persons with other physical disabilities."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Debate has been concluded on all motions to suspend the rules.

Pursuant to the provision of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: S. 2355, House Joint Resolution 429, H.R. 4281, H.R. 7044, S. 2059, S. 1621, H.R. 3191, and House Joint Resolution 553, all by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

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 enforce 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."

Amend the title so as to read: "A bill to amend the Communications Act of 1934 to provide reasonable access to telephone service for persons with impaired hearing and to enable telephone companies to accommodate persons with other physical disabilities."

Mr. GOLDWATER. Mr. President, I am pleased that the Senate and House have agreed to enact S. 2355, a bill to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service.

The bill recognizes that the benefits of this access should not exceed the costs to all telephone users, and provides that new technology may not be impeded by the Commission's regulations.

Under the bill, the FCC is directed to implement regulation that will insure reasonable access to telephone service for the hearing impaired. To insure such access, the FCC would require that all coin-operated public telephones provide internal means of coupling with hearing aids. The FCC would also require that other telephones—those frequently needed for use by persons using such hearing aids, and emergency phones—provide such internal means of coupling with hearing aids. The FCC would have to establish technical standards that will insure coupling compatibility between telephone and hearing aids. The FCC is directed to establish regulations for the labeling of equipment packaging materials that will provide consumers with information on compatibility between telephones and hearing aids.

The FCC must consider costs and benefits to all telephone users. FCC rules must encourage the use of currently available technology, and may not impair the development of new technology. Rulemaking required by this section must be completed within 1 year of enactment, and the FCC must periodically review such rules and regulations. Finally, the FCC may not require the replacement of any existing equipment, other than coin-operated public telephones and emergency telephones.

Subsection (B) of S. 2355 provides that:

"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."

Mr. President, this language does not expand the Commission's jurisdiction over the telephone services provided by hotels and motels. In any event, the Congress has taken steps to insure that the Commission does not impose unwarranted or unnecessary rules upon hotels and motels or upon any other industry or individual. In subsection (E), the Commission is directed to specifically consider costs and benefits to all telephone users before it implements any rules under this act.

CORPORATION FOR PUBLIC BROADCASTING

Mr. President, this bill contains an amendment that insures that the

TELECOMMUNICATIONS FOR THE DISABLED ACT OF 1982

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2355.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2355) entitled "An Act to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

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

Board of Directors of the Corporation for Public Broadcasting (CPB) remains its political balance during its reduction in size from 15 to 10 members.

Public Law 97-35 requires that the members appointed by the President to the Board of Directors at CPB be reduced from 15 to 10, and that after reduction, no political party should be represented by more than 6 members. If the reduction takes place as anticipated in Public Law 97-35, then it is possible that the Board will have eight members of the same party; thus violating the political balance requirement.

Thus, this amendment would simply cut short, by 3 years, the terms of office of two of the persons expected to take one of the existing vacancies on the Board. The terms of these two persons would expire March 1, 1984, and not March 1, 1987. This gives the President an opportunity to appoint two additional members of the minority party on March 1, 1984—leaving a 6 to 4 ratio, as required by Public Law 97-35, and not a ratio of 8 to 2.

#### THE COMMUNICATIONS SATELLITE ACT OF 1962

In order for the Communications Satellite Corporation (Comsat) to meet its continuing financing requirements effectively, this amendment eliminates an outmoded provision of the Communications Satellite Act of 1962.

The second sentence of section 304(b)(2) of the act, requires that 50 percent of any new issuance of Comsat stock be reserved for purchase by other communications common carriers. This requirement was enacted when Comsat stock was not yet available on the open market. Its purpose was to insure that authorized carriers have the opportunity to purchase shares. The carriers did, in fact, purchase 50 percent of the original issue, but have since disposed of almost all of their shares. They now own only about 7,000 shares—less than 0.1 Percent—of about 8 million shares outstanding. The repeal of this provision would not prevent carriers from purchasing or owning Comsat shares; the reservation for them would simply not be there as a cloud on alienability. Authorized carriers could purchase new offerings of shares, and could purchase shares on the open market.

Comsat has now entered a period requiring additional financing for further development of its satellite programs. In the current volatile financial markets, it must be in a similar position to other companies for obtaining financing when conditions are most favorable. However, the provision in section 304(b)(2) is still in force and requires the company to set up extraordinary and cumbersome procedures for compliance.

The committee considered this matter in conjunction with hearings on S. 2469, the International Telecommunications Act of 1982—Senate Calendar No. 967—and included repeal of the provision in the bill as reported by

the Commerce Committee on October 1. To my knowledge, no one has questioned the merits of repealing the provision.◊

Mr. CANNON. Mr. president, last spring I introduced, along with Senators GOLDWATER and RIEGLE, S. 2355, dealing with telephone service for the hearing impaired. In August, this bill was unanimously passed by the Senate.

Yesterday, the House of Representatives passed this bill by a vote of 365 to 14. The House version of this bill differs from the version the Senate passed in August in three ways:

First, the bill has been given a title: the "Telecommunications for the Disabled Act of 1982." Second, the House version includes an amendment that makes State public utility Commissions, rather than the FCC, the primary enforcement mechanism. Third, and much more importantly, the House has added a provision which states that a regulated carrier, that is, a telephone company, "may provide specialized terminal equipment needed by persons whose hearing, speech, vision, or mobility is impaired" and that State commissions "may allow the carrier to recover in its tariffs for regulated service reasonable and prudent costs not charged directly to users of such equipment." This would correct one of the unforseen consequences of the FCC's "Computer II" decision where the FCC generally told telephone companies to get out of the terminal equipment business and directed that, in the future, terminal equipment would be supplied by competitive manufacturers. If telephone companies no longer provide any terminal equipment, the question arises as to who will supply teletypewriters and other specialized equipment that telephone companies traditionally provided to handicapped individuals on a below-cost basis.

I am, of course, delighted by the House action since this legislation is supported by the administration, by the telephone and electronics industries, by State regulatory commissions, and by a wide variety of organizations representing the handicapped.

The majority proposes to use this bill as a vehicle to enact two very technical amendments of a noncontroversial nature. I have reviewed those amendments. They are purely technical and noncontroversial and I certainly have no objection.

Mr. President, I ask unanimous consent that these letters of support from the National Easter Seal Society, the American Council of the Blind, the Paralyzed Veterans of America, the American Association of Retired Persons, the National Association of the Deaf, and the Centel Corp. be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL EASIER SEAL SOCIETY,  
Washington, D.C., October 18, 1982.  
Hon. HOWARD W. CANNON,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, D.C.

DEAR SENATOR CANNON: I am writing to express our organization's support for S. 2355, the legislation that you have introduced which would insure access to telephone service for persons with hearing impairments. We believe that your bill, as amended by the House, will result in greater access to our communications system for all citizens.

The National Easter Seal Society has had a longstanding interest in the problems of individuals with hearing impairments. During 1982, state and local Easter Seal societies will serve over 40,000 individuals with impaired hearing. As you know, one of the most frustrating aspects of hearing impairment and deafness is the inability to use the telecommunications media on which our society has become so dependent. We believe that your bill will guarantee effective use of the telephone by this group of people. Furthermore, we believe that it will provide greater access, but will not discourage the development of new technology in this area. Our organization shares your view that making the benefits of the technological revolution in telecommunications available to all Americans, including those with disabilities, should be a priority in communications policy for the Congress.

We appreciate your efforts on this issue and hope that S. 2355 (as amended by the House) will be approved expeditiously by the Senate.

Sincerely,

JOSEPH D. ROMER,

Director of Governmental Affairs.

AMERICAN COUNCIL OF THE BLIND,  
Washington, D.C., September 27, 1982.  
Re telecommunication for the disabled act S. 2355.

Hon. HOWARD CANNON,  
U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON: The American Council of the Blind, the largest consumer organization of blind and visually impaired people in the United States, joins the many national and community organizations supporting S. 2355: the Telecommunications for the Disabled Act. In addition to benefiting the hearing impaired, we believe that this legislation would benefit other handicapped persons such as deaf-blind individuals who must rely on expensive specialized telephone equipment. We believe that local telephone companies should be able to subsidize the cost of this equipment and installation from the general rate base so that such individuals can more affordably use telephone equipment.

We commend your leadership in connection with this legislation and hope that the Senate will pass the bill at the earliest possible date.

Sincerely,

J. SCOTT MARSHALL,

Director of Governmental Affairs.

PARALYZED VETERANS OF AMERICA,  
Bethesda, Md., September 24, 1982.  
Hon. HOWARD H. CANNON,  
Senate Committee on Commerce, Science,  
and Transportation, U.S. Senate, Wash-  
ington, D.C.

DEAR SENATOR CANNON: On behalf of the 11,000 members of Paralyzed Veterans of America, I want to express appreciation for your efforts and those of Senator Barry Goldwater to promote access to the telephone communications system for individuals with physical impairments. Your recog-

nition of the importance of improved and available communications for disabled citizens and the essential role modern communications play in assisting disabled people to achieve maximum independence is gratifying.

Your legislative proposal, S. 2355, clearly addresses many problems presently facing disabled citizens regarding the acquisition and payment for specialized communications equipment. The recent Federal Communications Commission decision, Computer II, would preclude many individuals from obtaining this necessary, and often only means of contact with other people including vital medical and emergency personnel. Additionally, this FCC decision serves to retard technological innovations which benefit disabled people by drastically restricting their use and potential market.

Under the Computer II decision telephone companies would be prevented from subsidizing special and unique equipment which meet the needs of handicapped individuals. This not only will sever their primary means of communications but will also, in certain cases, prevent their gainful employment. This decision is unduly harsh and restrictive as it applies to devices for disabled people and presents a great hardship and peril to many of the most catastrophically disabled citizens.

Again, thank you for your recognition of this issue. If I or any member of my staff can further assist you in securing passage of this legislation, please contact us.

Sincerely yours,

R. JACK POWELL,  
Executive Director.

AMERICAN ASSOCIATION OF RETIRED  
PERSONS.

Washington, D.C., September 27, 1982.

Hon. HOWARD W. CANNON,  
U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON: The American Association of Retired Persons is writing in support of S. 2355, the Telecommunications for the Disabled Act of 1982, as amended by the House which is designed to promote access to the telephone network for persons with physical impairments.

We are pleased that this legislation recognizes and begins to address the problem of telephone receiver incompatibility with hearing aid telephone pickups. The Association is concerned that incompatible telephone equipment is restricting certain individuals' access to the use of the telephone—an integral part of everyday life.

Hearing impairment among the elderly is a widespread disability which threatens the quality of life of our elderly by inhibiting their communication with others. The hearing aid, although not a panacea, is a rehabilitative device which provides assistance to many hearing impaired elderly. Hearing aids should serve the hearing impaired elderly in as many different situations as possible; using the telephone is one method of communication which should not be denied this population.

Nor should access to the telephone be denied to those individuals with other physical impairments who need different types of specialized telephone equipment. Therefore, as contained in section (g) of S. 2355, it is important that telephone companies be allowed and encouraged to provide that specialized telephone equipment in a manner which is affordable to those who need access to the telephone most.

The lack of access to telephone has far-reaching implications in such problem areas as freedom from isolation, emergency protection, equal employment opportunities, and freedom of mobility. For example, there are elderly individuals who suffer from

severe chronic conditions which restrict their mobility and cause them to be confined to their homes. For them, the telephone is an essential tool for communication. It may be the only or major means for them to have contact with others and thereby provide protection from social isolation. In an emergency situation, the telephone may be their only resource for obtaining assistance.

Again AARP supports S. 2355, the Telecommunications for the Disabled Act of 1982, as amended and urges that this legislation be acted upon favorably during this session of Congress.

Sincerely,

PETER W. HUGHES,  
Legislative Counsel.

NATION ASSOCIATION OF THE DEAF  
Washington, D.C., September 27, 1982.

Senator HOWARD W. CANNON,  
U.S. Senate, Washington, D.C.

DEAR SENATOR CANNON: We write to thank you for your efforts in obtaining Senate passage of S. 2355, the Telecommunications for the Disabled Act of 1982.

This bill, which you introduced along with Senator Goldwater, was passed by the Senate on August 18, 1982. A similar version has now been approved unanimously by the House Committee on Energy and Commerce, with an amendment relating to enforcement authority, and we understand that House action is imminent.

In the form passed by the House Committee, this bill will be of great benefit to millions of hearing-impaired Americans who depend on access to our telecommunications system. Although it does not require universal compatibility of all telephone equipment with hearing aids, its provisions will allow hearing-impaired and other disabled telephone consumers to have access to essential telephone service. The bill appears to balance the needs of disabled consumers with the competing demands of the telephone industry.

We thank you for your support and interest in this legislation, and we urge you to support its immediate passage by the Senate.

Very truly yours,

SARAH GEER,  
Staff Attorney.

CENTEL CORP.,  
Washington, D.C. October 14, 1982.  
Hon. HOWARD W. CANNON,  
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR CANNON: This letter concerns S. 2355, the Telecommunications for the Disabled Act of 1982.

As you know, Centel Corporation operates the fourth largest independent telephone system in the United States, serving 1.1 million telephones in ten states. We are also a major CATV operator and are moving into other emerging telecommunications fields to augment our business systems, communications products and related activities.

We support this legislation, which was first addressed by the Senate Commerce Committee on a bipartisan basis. We appreciated the opportunity to work with your staff in reviewing the technical problems and regulatory implications of this bill.

We believe that the bill is a responsible and balanced piece of legislation. There has always been concern among our independent telephone companies, the Bell System companies and your own staff that the many recent advances in technology be made available to all Americans. This bill addresses that concern in one very useful way. Pay telephones and a very limited number of other telephones (described as

"essential telephones") can become compatible with hearing aids at minimal cost. The benefits are significant and the financial and regulatory costs are low. Once again, we appreciate your work and that of the other members of the Senate Commerce Committee in initiating and completing action on this bill.

Very truly yours,

MARTIN T. MCCUR.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments with a further Senate amendment which I send to the desk on behalf of Senator PACKWOOD.

UP AMENDMENT 1534.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), on behalf of Mr. PACKWOOD, proposes an unprinted amendment numbered 1534.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new sections:

Sec. . 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. . 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.

The motion to concur in the House amendments with the Senate amendment (UP No. 1534) was agreed to.

SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. WALKER. Mr. Speaker, reserving the right to object, is there any cost at all in this bill? Is there any money involved in the bill?

I yield to the gentleman.

Mr. WIRTH. The answer to that is "No." As part of the Public Broadcasting Amendments Act of 1981 Congress reduced, by attrition as of October 1, 1983, the size of the Board of the Corporation for Public Broadcasting, from 15 to 11, while providing that the new Board have no more than six members from the same political party. Because of a number of appointments now pending to the 15-person Board, in 1984 an impermissible imbalance could occur in terms of the political party representation on the Board. By having two of the terms that are slated to be filled in the near future—which expired in March of this year—end on March 1, 1984, this problem of political imbalance can be avoided, thus allowing attrition of the Board to proceed smoothly. This is a noncontroversial amendment which has complete bipartisan support in both Houses.

#### PROVIDING TELEPHONE SERVICE TO PERSONS WITH IMPAIRED HEARING

Mr. WIRTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2355) to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service, with the Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows: Page 4, after line 17, of the House engrossed amendment, insert:

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.

Mr. WIRTH [during the reading]. Mr. Speaker I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the Record.

One Senate amendment repeals an outdated provision of the Communications Satellite Act of 1962. This provision required Comsat to offer 50 percent of any stock offering it was going to bring to the market for sale to the various communications carriers. However, since the enactment of this provision, all of the authorized carriers have divested themselves of their holdings in Comsat.

Comsat is currently planning to bring a new equity offering to the market. This provision of the act imposes a burden on the issuance of new securities, yet does not give the authorized carriers any corresponding benefit. In 1972, as part of the Domsat proceeding, the FCC required AT&T to divest itself of its holdings in Comsat as a precondition of operating its own domestic satellite system. And the International Record Carriers, which purchased the permitted number of shares in Comsat when the company was formed, have long since disposed of their holdings, since Comsat has not, until recently, been a good investment.

When Comsat brings its new equity offering to the market, any member of the public—including the International Record Carriers—will have the opportunity to purchase stock. The removal of this particular section will not have any effect over the carriers' ability to own shares in Comsat. The change merely removes Comsat's obligation to set aside 50 percent of its new offering for a group of carriers who have shown no inclination in—or have been constrained from—owning shares of Comsat.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado (Mr. WIRTH)?

Mr. BLILEY. Mr. Speaker, reserving the right to object, I would like to engage the chairman of the Telecommunications Subcommittee in a brief colloquy.

I apologize to my colleagues for having been necessarily absent when this legislation was considered under suspension earlier this week. I did have several concerns about the legislation, and the chairman of the subcommittee has been most helpful in addressing several of them.

Could the gentleman from Colorado clarify for me: Would it be possible for an industry to avoid regulation by the Federal Communications Commission by engaging in a program of voluntary compliance with the goals of this act?

Mr. WIRTH. I thank the gentleman for his inquiry. The language of the statute specifically directs the Commission to consider the costs and benefits of any proposed regulation. As I suggested in my earlier remarks, the Commission should encourage programs of voluntary compliance, which avoid many of the costs associated with direct enforcement by the Commission. Accordingly, the Commission should rely upon voluntary programs developed by an industry segment to achieve compliance with the provisions of the statute provided that those programs are effective on a continuing basis.

Mr. BLILEY. The report of the committee provides examples relating to the possible requirements that could be imposed on the hotel industry. Were those examples intended to specify that the Commission should adopt any particular requirements with regard to this industry?

Mr. WIRTH. No. The hearing impaired have expressed particular concern about their ability to reach their family and to conduct business while traveling. In previous legislation, they have urged that all hotel phones be made compatible. I believe that the committee was concerned that the Commission not impose undue costs on the hotel industry. It also observed the broad authority of the Commission with respect to hotels and motels. The committee, therefore, provided several examples of the maximum extent of regulation that the Commission should promulgate. These examples do not require or suggest that the Commission adopt any of these requirements.

Mr. BLILEY. I thank the chairman for his cooperation in clarifying this point. I share his concern for the safety and convenience of the hearing impaired when they are traveling. It is my hope that a strong voluntary effort by the hotel industry will provide the hearing impaired with the in-

formation and equipment they need so that we can avoid unnecessary new regulations in this area.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado (Mr. WIRTH)?

Mr. BROYHILL. Further reserving the right to object, Mr. Speaker, and I shall not object, I just wanted to thank the gentleman from Colorado for accommodating the concerns just expressed by the gentleman from Virginia (Mr. BLILEY).

I think this has added a great deal to the passage of this legislation which surely is needed. I know the hearing impaired in my area have been expressing their interest in this legislation for some time. I think it is in the public interest and would urge that it pass unanimously here today.

Mr. WIRTH. Mr. Speaker, would the gentleman yield?

Mr. BROYHILL. I am glad to yield.

Mr. WIRTH. Mr. Speaker, I want to thank the gentleman and thank the gentleman from Virginia for their help in sorting through a question which has plagued this legislation for the last 5 or 6 years and also to take the opportunity on behalf of our colleagues to wish a speedy recovery to the gentleman from Virginia (Mr. BLILEY).

Mr. BROYHILL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado (Mr. WIRTH) that the amendment be considered as read and printed in the Record?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Colorado (Mr. WIRTH)?

There was no objection.

A motion to reconsider was laid on the table.

December 9, 1982

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TELECOMMUNICATIONS FOR  
THE DISABLED

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 1982

- Mr. WIRTH. Mr. Speaker, the Committee on Energy and Commerce has unanimously reported S. 2255, the Telecommunications for the Disabled

Act of 1982. This bill accomplishes two vital purposes. It changes an intrusive and ill considered Federal regulation that would prevent telephone companies from supplying equipment to deaf and other handicapped individuals under the approval of State regulatory commissions. Second, the legislation resolves a longstanding dispute within the telephone industry by directing the Federal Communications Commission to establish a technical standard for the manufacture of telephones that are compatible with hearing aids.

The regulation that S. 2355 modifies is scheduled to become effective on January 1, 1983. Unless Congress acts this session, disabled Americans will be unable to obtain tariffed new terminal equipment after that date. Many disabled persons rely on this equipment to lead productive, self-sufficient, and independent lives. Therefore, I am pleased that the major telephone carriers—and unaffiliated manufacturers of telephone equipment—have joined with the handicapped community and State utility commissions to support this consensus legislation. Mr. Speaker, I ask unanimous consent to insert in the RECORD a selection of their letters, which explain the urgency of this legislation.

DISABLED AMERICAN VETERANS,  
Washington, D.C., September 23, 1982.  
Hon. TIMOTHY E. WIRTH,  
U.S. House of Representatives, Chairman,  
Subcommittee on Telecommunications,  
Consumer Protection and Finance, Com-  
mittee on Energy and Commerce, Wash-  
ington, D.C.

DEAR CHAIRMAN WIRTH: I am writing to you in response to the legislation you are proposing that would amend the Communications Act of 1934 to provide reasonable access to telephone service for persons with impaired hearing and enable telephone companies to accommodate persons with other physical disabilities.

Quite frankly, the Disabled American Veterans has supported efforts to improve the lives of all American citizens with physical and mental disabilities, particularly, those disabled while in the wartime service to the United States.

A review of the legislation which you are proposing reveals that essential and frequently used coin operated telephones will be made compatible for specially equipped hearing aids utilized by the hearing impaired.

As equally important, your bill will finally permit telephone companies to make special telephone communications equipment available to the seriously handicapped at affordable costs.

Chairman Wirth, the DAV believes that your proposal will, if enacted, go a long way towards improving the quality of life for millions of hearing impaired and physically handicapped Americans.

On behalf of the 687,000 members of the Disabled American Veterans, I am pleased to strongly endorse your proposal and thank you for your endeavors to enable handicapped citizens to gain greater free-

dom and access to the mainstream of American society.

Sincerely yours,

EDWARD G. GALIAN,  
National Commander.

PARALYZED VETERANS OF AMERICA,  
Bethesda, Md., September 22, 1982.  
Hon. TIMOTHY E. WIRTH,  
Chairman Subcommittee on Telecommunications,  
Consumer Protection, and Finance  
Committee on Energy and Commerce,  
U.S. House of Representatives,  
Washington, D.C.

DEAR REPRESENTATIVE WIRTH: On behalf of the 11,000 members of Paralyzed Veterans of America, I want to express appreciation for your efforts to promote access to the telephone communications system for individuals with physical impairments. Your recognition of the importance of improved and available communications for disabled citizens and the essential role modern communications play in assisting disabled people to achieve maximum independence is gratifying.

Your legislative proposal clearly addresses many problems presently facing disabled citizens regarding the acquisition and payment for specialized communications equipment. The recent Federal Communications Commission decision, Computer II, would preclude many individuals from obtaining this necessary, and often only means of contact with other people including vital medical and emergency personnel. Additionally, this FCC decision serves to retard technological innovations which benefit disabled people by drastically restricting their use and potential market.

Under the Computer II decision telephone companies would be prevented from subsidizing special and unique equipment which meet the needs of handicapped individuals. This not only will sever their primary means of communications but will also, in certain cases, prevent their gainful employment. This decision is unduly harsh and restrictive as it applies to devices for disabled people and presents a great hardship and peril to many of the most catastrophically disabled citizens.

Again, thank you for your recognition of this issue. If I or any member of my staff can further assist you in securing passage of this legislation, please contact us.

Sincerely yours,

R. JACK POWELL,  
Executive Director.

NATIONAL EASTER SEAL SOCIETY,  
Washington, D.C., September 27, 1982.  
Hon. TIMOTHY E. WIRTH,  
Chairman, Subcommittee on Telecommunications,  
Consumer Protection and Finance,  
Committee on Energy and Commerce,  
Washington, D.C.

DEAR REPRESENTATIVE WIRTH: I am writing on behalf of the National Easter Seal Society to express support for the "Telecommunications for the Disabled Act of 1982". We believe that this bill, H.R. 7168, amends the Communications Act of 1934 so that the Federal Communications Commission (FCC) will address two issues of critical importance to persons with disabilities. With respect to individuals with hearing impairments, the bill provides for reasonable access to telephone services. Moreover, H.R. 7168 provides states with the flexibility needed to allow telephone companies to continue to meet the unique needs of individuals with disabilities.

The National Society has consistently promoted efforts to provide persons with disabilities every opportunity to achieve fully productive and independent lives. For this reason, efforts by the Bell System and other

telephone companies to render the telephone network accessible to persons with disabilities have been viewed very favorably. In the past, these companies have readily developed and distributed special telephone equipment for private and public use. By incorporating the costs associated with special terminal equipment into the regular rate structure, telephone companies have enabled thousands of individuals with hearing, speech, vision or mobility impairments to purchase telephone service at a reasonable cost.

The National Easter Seal Society is concerned, however, that recent action by the FCC to deregulate terminal equipment will jeopardize access to the telephone network for persons with disabilities. The FCC's Computer II decision prohibits state communications commissions from allowing telephone companies to subsidize terminal equipment. We believe that this ruling, although apparently not directed at the equipment used by persons with disabilities, could, nonetheless, have a devastating impact on their access to the telephone system. Unless states are once again allowed to permit telephone companies to recover a portion of the development and distribution costs of special terminal equipment, individuals with disabilities may soon be confronted with exorbitant telephone equipment costs. Disabled consumers will be forced to either forego the use of the telephone or pay charges considerably higher than those borne by the general public.

The National Society believes that H.R. 7168 provides the necessary statutory flexibility to permit telephone companies to continue to meet the unique needs of persons with disabilities at a reasonable charge to the disabled consumer. Access to the telephone system is crucial to the lives of persons with disabling conditions and should not be threatened.

Furthermore, the National Easter Seal Society is fully supportive of provisions within the "Telecommunications for the Disabled Act of 1982" ensuring reasonable access to telephone services for person with hearing impairments. Telephones provided for emergency use or that are used frequently by persons with hearing impairments should be made compatible for use with a hearing aid as soon as possible. We are also encouraged by those sections of H.R. 7168 regarding rulemaking activity and consumer education. These provisions will further enhance access to telephone services for persons with impaired hearing.

We were pleased that H.R. 7168 received such strong and favorable support from the Committee on Energy and Commerce. We would urge the House to act in an expeditious and equally positive manner.

Sincerely,

JOSEPH D. ROMER,  
Director of Governmental Affairs.

AMERICAN ASSOCIATION  
OF RETIRED PERSONS,  
Washington, D.C., September 23, 1982.  
Hon. TIMOTHY E. WIRTH,  
Chairman, Subcommittee on Telecommunications,  
Consumer Protection, and Finance,  
Washington, D.C.

DEAR CONGRESSMAN WIRTH: The American Association of Retired Persons is writing in support of H.R. 7168, the Telecommunications for the Disabled Act of 1982, designed to promote access to the telephone network for persons with physical impairments.

We are pleased that this legislation recognizes and begins to address the problem of telephone receiver incompatibility with hearing aid telephone pickups. The Association is concerned that incompatible tele-

phone equipment is restricting certain individuals' access to the use of the telephone—an integral part of everyday life.

Hearing impairment among the elderly is a widespread disability which threatens the quality of life of our elderly by inhibiting their communication with others. The hearing aid, although not a panacea, is a rehabilitative device which provides assistance to many hearing impaired elderly. Hearing aids should serve the hearing impaired elderly in as many different situations as possible; using the telephone is one method of communication which should not be denied this population.

Nor should access to the telephone be denied to those individuals with other physical impairments who need different types of specialized telephone equipment. Therefore, as contained in section (g) of H.R. 7168, it is important that telephone companies be allowed and encouraged to provide that specialized telephone equipment in a manner which is affordable to those who need access to the telephone most.

The lack of access to telephones has far-reaching implications in such problem areas as freedom from isolation, emergency protection, equal employment opportunities, and freedom of mobility. For example, there are elderly individuals who suffer from severe chronic conditions which restrict their mobility and cause them to be confined to their homes. For them, the telephone is an essential tool for communication. It may be the only or major means for them to have contact with others and thereby provide protection from social isolation. In an emergency situation, the telephone may be their only resource for obtaining assistance.

Again, AARP supports H.R. 7168, the Telecommunications for the Disabled Act of 1982, and urges that this legislation be acted upon favorably during this session of Congress.

Sincerely,

PETER W. HUGHES,  
Legislative Counsel.

STATE OF MICHIGAN,  
DEPARTMENT OF COMMERCE,  
Lansing, Mich., September 24, 1982.

Hon. TIMOTHY WIRTH,  
Chairman, U.S. House of Representatives,  
Subcommittee on Telecommunications,  
Consumer Protection and Finance,  
Washington, D.C.

DEAR REPRESENTATIVE WIRTH: I am writing to you today to express my support for H.R. 7168. This bill will provide access to telephone service for persons with impaired hearing and it will also enable telephone companies to provide other specialized terminal equipment needed by persons whose hearing, speech, vision or mobility is impaired. In the latter instance, the bill authorizes State commissions to allow carriers to recover in their regulated service tariffs reasonable costs of this equipment not charged directly to the users of this equipment. I commend you for introducing this legislation and support you in your efforts to enact this bill.

Sincerely,

ERIC J. SCHNEIDWIND,  
Chairman.

CENTEL,  
Washington, D.C., September 24, 1982.  
Hon. JOHN D. DINGELL,  
Chairman, House Energy and Commerce  
Committee,  
Washington, D.C.

DEAR MR. DINGELL: We understand that your committee has been very receptive to newly introduced H.R. 7168, the Telecommunications for the Disabled Act of 1982.

H.R. 7168 is a bill designed to achieve a worthwhile objective. Moreover, it involves minimal regulatory involvement and limited cost to telephone manufacturers, telephone companies and ratepayers. A similar bill, S. 2355, was recently passed by the Senate, and we supported that bill.

Central Corporation supports your actions and the efforts of Mr. Wirth and the bill's other cosponsors to move this legislation to the full House. I shall be happy to encourage support for H.R. 7168 as incorporated into S. 2355 among our representatives in the full House.

Very truly yours,

MARTIN T. MCCUE.

AMERICAN SPEECH-  
LANGUAGE-HEARING ASSOCIATION,  
Rockville, Md., October 13, 1982.

Hon. JAMES T. BROTHILL,  
U.S. House of Representatives  
Washington, D.C.

DEAR REPRESENTATIVE BROTHILL: The American Speech-Language-Hearing Association (ASHA) supports S. 2355 as amended to incorporate the changes provided by H.R. 7168, the Telecommunications for the Disabled Act of 1982. We agree with the four points discussed under Section 2 of the bill and find that the new section, Telephone Service for the Disabled, appropriately resolves many of the difficulties the speech, language and hearing impaired have had with obtaining and funding the correct telephone.

The telephone is an important part of the lives of most Americans and, therefore, the telephone should be as accessible as possible for those Americans who have communicative disorders. As ASHA testified on May 6, 1982, before the Senate Subcommittee on Communications, there is a rise in incidence of hearing loss in our country. The National Center for Health Statistics reported that in 1971 there were 14.5 million individuals with hearing impairment and that by 1977 the figure rose to well over 16 million. We need to be certain that those who have a hearing loss serious enough to warrant the wearing of a hearing aid find that telephones are compatible with the induction coils of their hearing aids. ASHA would like to see the telephone companies required to insure availability of induction coil telephones in all settings. These induction coil units are readily available at present and all consumers and telephone personnel should be made aware that ordering a more useful telephone for their home or office is possible. The bill calls for the labeling of packaging material and this action should remedy the situation in the homes and workplaces of the hearing impaired. The necessity of compatible, essential telephones mandated by the bill would improve ease of telephones by the hearing impaired when outside of their homes and work environments.

It is our hope that you will support the prompt passage of S. 2355 during the post-election session of the 97th Congress.

Sincerely,

STEVEN C. WHITE, Ph. D.,  
Director, Reimbursement Policy Division.

AMERICAN COUNCIL FOR THE BLIND,  
Washington, D.C., September 27, 1982.  
Re Telecommunications for the Disabled  
Act.

Hon. TIMOTHY WIRTH,  
U.S. House of Representatives,  
Washington, D.C.  
Attention: Scott Rafferty.

DEAR REPRESENTATIVE WIRTH: On behalf of the thousands of members of the American Council of the Blind, please let me take this opportunity to express our support for the Telecommunications for the Disabled

Act. We believe that this legislation will be of benefit not only to hearing impaired people but also to other handicapped persons such as deaf-blind individuals who need costly, highly specialized telephone equipment.

We believe that the local telephone companies should be permitted to subsidize the cost of special equipment and installation from the general rate base.

We appreciate your efforts in connection with this legislation and hope that this bill will be passed by the House without delay.

Very truly yours,

J. SCOTT MARSHALL,  
Director of Governmental Affairs.

Washington, D.C., September 27, 1982.

Hon. TIMOTHY E. WIRTH,  
Chairman, Telecommunications and Finance  
Subcommittee, Washington, D.C.

DEAR CONGRESSMAN WIRTH: The undersigned organizations appreciate your efforts in developing and introducing the Telecommunications for the Disabled Act of 1982. We support the bill in its extension of the compatibility requirements of S. 2355 to emergency phones, hospital phones and similar phones. We are also very supportive of the provisions which enable state utility commissions to allow telephone companies to recover costs of special terminal equipment for the disabled such as those who are deaf, vision-impaired or immobile. Technology has developed at a rapid rate in telecommunications for the disabled. These advances can permit severely disabled people to live independent lives; lives that might otherwise be relegated to institutions. This kind of technological development, together with architectural and design developments and developments in medical technology permit the disabled to lead much more productive lives.

The membership of our organizations provides health care and related services to disabled people. The goal of our services—the rehabilitation of the physically disabled—is dependent on the access of disabled people to communications systems. Your bill is important to us for it makes telecommunications advances financially feasible to the disabled.

Sincerely,

American Congress of Rehabilitation  
Medicine; American Academy of Physical  
Medicine & Rehabilitation; and  
Association of Academic Psychiatrists.

By Their Counsel:

RICHARD E. VERVILLE, Esq.

NORTH AMERICAN TELEPHONE  
ASSOCIATION;

Washington, D.C., November 30, 1982.

Hon. TIM WIRTH,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN WIRTH: Your staff has asked for the views of the North American Telephone Association on H.R. 7168, The Telecommunications for the Disabled Act of 1982. As you perhaps know, we were pleased to have been invited to participate in the development of this important legislation. Upon review of the final provisions of the Bill and its Report issued by Congressman Dingell for the House Committee on Energy and Commerce on September 28, 1982, we wish you to know that we strongly endorse enactment of the legislation in the form it is now submitted.

E 5018

We have particularly appreciated the cooperation of your staff in working with us to accomplish this task!

Sincerely,

EDWIN B. SPIEVACK,  
Executive Director. •

Service may be in operation by mid- to late-1983, subject to FCC approval. William Adler, chief of FCC Mobile Services Div., said Commission may start to accept applications Sept. 7. Adler said he thinks service may be approved as early as next spring, but many things could hold it up. FCC recently approved 3 channels out of 40 possible for national paging service in 900-MHz band because it didn't detect evidence of much demand when channels were allocated. If many companies file for channels, they may have to share frequencies. FCC could allocate spectrum space for more channels, but that would take considerable time, according to Adler. He said NPR-MCCA venture is first concrete proposal for national paging service that has come to FCC since channels were allocated. MCCA Pres. John Palmer said his company, along with Graphic Scanning, originally filed 4 years ago for FCC authorization to operate such service. Commission returned applications, asking firms to wait until it allocated channels in 900-MHz band for nationwide service.

Co-venture is part of NPR's scheme to wean itself from federal funding within 5 years. Last month, Mankiewicz announced plans for digital data delivery service with National Information Utilities. NPR plans to announce several more such entrepreneurial projects within next few weeks.

### No Big Apple Slices Yet

#### CABLEVISION WON'T WIRE BRONX UNLESS IT GETS JUICY PART OF BROOKLYN

N.Y.C. cable franchise negotiations are at complete standstill because of inability of Cable Working Group and Cablevision to work out "new geography" acceptable to both sides, according to Cablevision Franchising Vp Sheila Mahoney, who questioned how city could expect Cablevision to wire only worst parts of city. She said Cablevision request for chunk of Queens has definitely been turned down, and, so far, request to be given some of Warner Amex's slice of Brooklyn has been denied. "I don't understand why it's fine to give Warner those areas in Brooklyn, but out of the question to give us something to compensate for taking on the Bronx," she said.

N.Y.C. chief negotiator Morris Tarshis confirmed talks had bogged down, said city was pursuing alternatives in case Cablevision drops out or is eliminated, such as consortium of companies to wire Bronx. (He informed Cablevision that city was pursuing alternatives in July 7 letter.) Mahoney dismisses consortium idea as ridiculous. "Tell me: Is ATC or Cox going to wire sections of the Bronx in exchange for rights to 60,000 homes on Staten Island? No way." Neither Tarshis nor Mahoney would predict what would happen in next few weeks, but Mahoney told us Cablevision won't drop out, already has business plan for Bronx.

#### NOTEBOOK...

Senate Commerce Committee, in reconciliation proposal to Budget Committee Wed. unanimously recommended trimming FCC from 7 to 5 commissioners. Move, Commerce Committee said, would save \$100,000 in fiscal year 1983 (because only last quarter would be affected), \$500,000 in 1984 and each year thereafter. Committee also recommended cutting 6 members from Interstate Commerce Commission. It's unlikely that any changes would be made by Budget Committee; from there measure goes to Senate floor, then to House.

Senate Commerce Committee unanimously approved S-2355 -- bill providing for easier use of telephones by hearing-impaired. Specifically, bill says FCC must require all coin-operated telephones to provide internal means of coupling hearing aids to telephones. Also, bill says FCC must, within one year, issue rulemaking to decide whether to require same of other public telephones; whether to establish technical standards to insure compatibility; whether to establish requirements for equipment package labeling for consumer information on compatibility. General language also requires FCC to consider cost-benefit analysis within framework of rulemaking and states that final outcome shouldn't impede use of new technologies.