

48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

For definition of Canal Zone, referred to in subsec. (c), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

#### CODIFICATION

In subsec. (e), “section 1346 or section 1491 of title 28” substituted for “paragraph 20 of section 24 or by section 145, of the Judicial Code, as amended” (which were classified to sections 41(20) and 250 of former Title 28, Judicial Code and Judiciary) on authority of act June 25, 1948, ch. 646, 62 Stat. 869, the first section of which enacted Title 28, Judiciary and Judicial Procedure. Section 1346 of Title 28 sets forth the basic jurisdiction of the district courts in cases in which the United States is defendant. Section 1491 of Title 28 sets forth the basic jurisdiction of the United States Court of Claims. Sections 24(20) and 145 of the Judicial Code were also classified to sections 1496, 1501, 1503, 2401, 2402, and 2501 of Title 28.

#### AMENDMENTS

1951—Subsec. (c). Act Oct. 24, 1951, §1, clarified scope of President’s powers to use, control, and close radio facilities of all kinds which might be useful to an enemy for navigational purposes.

Subsec. (h). Act Oct. 24, 1951, §2, added subsec. (h).

1947—Subsec. (h). Act July 25, 1947, struck out subsec. (h) which related to modification of certain sections of this title until six months after termination of World War II for the protection of vessels in wartime.

1942—Subsecs. (d), (e). Act Jan. 26, 1942, §1, added subsec. (d) and redesignated former subsec. (d) as (e).

Subsecs. (f), (g). Act Jan. 26, 1942, §2, added subsecs. (f) and (g).

Subsec. (h). Act Dec. 29, 1942, added subsec. (h).

#### TERMINATION OF WAR AND EMERGENCIES

Act July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

#### EXECUTIVE ORDER NO. 8964

Ex. Ord. No. 8964, eff. Dec. 10, 1941, 6 F.R. 6367, relating to the use and control of radio stations and preference or priority of communications was revoked by Ex. Ord. No. 9831, eff. Feb. 24, 1947, 12 F.R. 1363.

#### EX. ORD. NO. 9831. BOARD OF WAR COMMUNICATIONS ABOLISHED

Ex. Ord. No. 9831, eff. Feb. 24, 1947, 12 F.R. 1363, provided:

By virtue of the authority vested in me by the Constitution and statutes, including the Communications Act of 1934 (48 Stat. 1104, as amended; 47 U.S.C. 606) and as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. The Board of War Communications, established as the Defense Communications Board by Executive Order No. 8546 of September 24, 1940, is abolished, and all property and records thereof are transferred to the Federal Communications Commission.

2. Executive Orders Nos. 8546 of September 24, 1940, 8960 of December 6, 1941, 8964 of December 10, 1941, 9089 of March 6, 1942, and 9183 of June 15, 1942, are revoked.

HARRY S TRUMAN.

#### EXECUTIVE ORDER NO. 10312

Ex. Ord. No. 10312, eff. Dec. 10, 1951, 16 F.R. 12452, as amended by Ex. Ord. No. 10438, eff. Mar. 13, 1953, 18 F.R. 1491; Ex. Ord. No. 10773, eff. July 1, 1958, 23 F.R. 5061; Ex.

Ord. No. 10782, eff. Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, eff. Sept. 27, 1962, 27 F.R. 9683, relating to delegation of authority to the Federal Communications Commission was revoked by Ex. Ord. No. 11490, eff. Oct. 28, 1969, 34 F.R. 17567.

#### EXECUTIVE ORDER NO. 10705

Ex. Ord. No. 10705, Apr. 17, 1957, 22 F.R. 2729, as amended by Ex. Ord. No. 10773, July 1, 1958, 23 F.R. 5061; Ex. Ord. No. 10782, Sept. 6, 1958, 23 F.R. 6971; Ex. Ord. No. 11051, Sept. 27, 1962, 27 F.R. 9683; Ex. Ord. No. 11556, Sept. 4, 1970, 35 F.R. 14193, which related to the delegation of authority to the Director of the Office of Telecommunications Policy, was revoked by Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, set out as a note under section 305 of this title.

#### § 607. Effective date of chapter

This chapter shall take effect upon the organization of the Commission, except that this section and sections 151 and 154 of this title shall take effect July 1, 1934. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

(June 19, 1934, ch. 652, title VII, §707, formerly title VI, §607, 48 Stat. 1105; renumbered title VII, §707, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

#### § 608. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(June 19, 1934, ch. 652, title VII, §708, formerly title VI, §608, 48 Stat. 1105; renumbered title VII, §708, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

#### § 609. Short title

This chapter may be cited as the “Communications Act of 1934.”

(June 19, 1934, ch. 652, title VII, §709, formerly title VI, §609, 48 Stat. 1105; renumbered title VII, §709, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which enacted this chapter, amended section 35 of this title, section 21 of Title 15, Commerce and Trade, section 487 of former Title 46, Shipping, and sections 1, 2, 5, and 15

of former Title 49, Transportation, and repealed sections 484 to 487 of former Title 46. For complete classification of this Act to the Code, see Tables.

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-331, §1, Dec. 22, 2010, 124 Stat. 3572, provided that: "This Act [amending section 227 of this title] may be cited as the 'Truth in Caller ID Act of 2009'."

Pub. L. 111-311, §1, Dec. 15, 2010, 124 Stat. 3294, provided that: "This Act [enacting section 621 of this title] may be cited as the 'Commercial Advertisement Loudness Mitigation Act' or the 'CALM Act'."

Pub. L. 111-260, §1(a), Oct. 8, 2010, 124 Stat. 2751, provided that: "This Act [enacting sections 615c and 616 to 620 of this title, amending sections 153, 225, 303, 330, 402, 503, 610, and 613 of this title, and enacting provisions set out as notes under sections 153, 303, 613, and 619 of this title] may be cited as the 'Twenty-First Century Communications and Video Accessibility Act of 2010'."

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-4, §1, Feb. 11, 2009, 123 Stat. 112, provided that: "This Act [amending sections 309 and 337 of this title and enacting and amending provisions set out as notes under section 309 of this title] may be cited as the 'DTV Delay Act'."

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-295, §1, July 30, 2008, 122 Stat. 2972, provided that: "This Act [amending provisions set out as a note under section 309 of this title] may be cited as the 'DTV Transition Assistance Act'."

Pub. L. 110-283, §1, July 23, 2008, 122 Stat. 2620, provided that: "This Act [enacting section 615a-1 of this title and amending sections 222, 615a, 615b, and 942 of this title] may be cited as the 'New and Emerging Technologies 911 Improvement Act of 2008' or the 'NET 911 Improvement Act of 2008'."

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-108, §1, Oct. 31, 2007, 121 Stat. 1024, provided that: "This Act [enacting and amending provisions set out as notes under section 151 of this title] may be cited as the 'Internet Tax Freedom Act Amendments Act of 2007'."

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-459, §1, Dec. 22, 2006, 120 Stat. 3399, provided that: "This Act [enacting and repealing provisions set out as notes under section 201 of this title] may be cited as the 'Call Home Act of 2006'."

Pub. L. 109-235, §1, June 15, 2006, 120 Stat. 491, provided that: "This Act [amending section 503 of this title] may be cited as the 'Broadcast Decency Enforcement Act of 2005'."

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-21, §1, July 9, 2005, 119 Stat. 359, provided that: "This Act [amending section 227 of this title and enacting provisions set out as a note under section 227 of this title] may be cited as the 'Junk Fax Prevention Act of 2005'."

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-435, §1, Dec. 3, 2004, 118 Stat. 2615, provided that: "This Act [enacting and amending provisions set out as notes under section 151 of this title] may be cited as the 'Internet Tax Nondiscrimination Act'."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-195, §1, June 19, 2002, 116 Stat. 715, provided that: "This Act [amending section 309 of this title, enacting provisions set out as notes under sections 309 and 337 of this title, amending provisions set out as a note under section 337 of this title, and repealing provisions set out as a note under section 309 of this title] may be cited as the 'Auction Reform Act of 2002'."

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-75, §1, Nov. 28, 2001, 115 Stat. 703, provided that: "This Act [amending provisions set out as a note under section 151 of this title] may be cited as the 'Internet Tax Nondiscrimination Act'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1731], Dec. 21, 2000, 114 Stat. 2763, 2763A-350, provided that: "This subtitle [subtitle C (§§1731-1733) of title XVII of div. B of H.R. 5666, as enacted by section 1(a)(4) of Pub. L. 106-554, amending section 254 of this title and enacting provisions set out as a note under section 254 of this title] may be cited as the 'Neighborhood Children's Internet Protection Act'."

SHORT TITLE OF 1999 AMENDMENTS

Pub. L. 106-113, div. B, §1000(a)(9) [title V, §5008(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-594, provided that: "This section [amending section 336 of this title and enacting provisions set out as a note under section 336 of this title] may be cited as the 'Community Broadcasters Protection Act of 1999'."

Pub. L. 106-81, §1, Oct. 26, 1999, 113 Stat. 1286, provided that: "This Act [enacting sections 615 to 615b of this title, amending sections 222 and 251 of this title, and enacting provisions set out as a note under section 615 of this title] may be cited as the 'Wireless Communications and Public Safety Act of 1999'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. C, title XIV, §1401, Oct. 21, 1998, 112 Stat. 2681-736, provided that: "This title [enacting section 231 of this title, amending sections 223 and 230 of this title, and enacting provisions set out as notes under sections 223 and 231 of this title] may be cited as the 'Child Online Protection Act'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-104, §1(a), Feb. 8, 1996, 110 Stat. 56, provided that: "This Act [enacting sections 160, 161, 222, 230, 251 to 261, 271 to 276, 336, 363, 549, 560, 561, 571 to 573, 613, and 614 of this title and section 79z-5c of Title 15, Commerce and Trade, amending sections 151, 153 to 155, 204, 208, 214, 220, 221, 223 to 225, 228, 302a, 303, 305, 307 to 310, 312, 319, 330, 332, 360, 382, 385, 402, 522, 531 to 534, 537, 541 to 544a, 548, 552, 556, 557, 559, and 605 of this title, sections 18, 79, 79z-6, and 5714 of Title 15, and sections 1462, 1465, and 2422 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under this section and sections 151 to 153, 156, 157, 204, 214, 223, 228, 303, 308, 332, 534, 543, and 561 of this title and section 1462 of Title 18] may be cited as the 'Telecommunications Act of 1996'."

Pub. L. 104-104, title V, §501, Feb. 8, 1996, 110 Stat. 133, provided that: "This title [enacting sections 230, 560, and 561 of this title, amending sections 223, 303, 330, 531, 532, and 559 of this title and sections 1462, 1465, and 2422 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 223, 303, and 561 of this title and section 1462 of Title 18] may be cited as the 'Communications Decency Act of 1996'."

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-385, §1, Oct. 5, 1992, 106 Stat. 1460, provided that: "This Act [enacting sections 334, 335, 534 to 537, 544a, 548, and 555a of this title, amending sections 325, 332, 522, 532, 533, 541 to 544, 546, 551 to 555, and 558 of this title, and enacting provisions set out as notes under sections 325, 521, 531, 543, and 554 of this title] may be cited as the 'Cable Television Consumer Protection and Competition Act of 1992'."

Pub. L. 102-356, §1, Aug. 26, 1992, 106 Stat. 949, provided that: "This Act [amending sections 303b, 391, 393, and 396 of this title, enacting provisions set out as notes under sections 303 and 396 of this title, and repealing provisions set out as a note under section 303 of this title] may be cited as the 'Public Telecommunications Act of 1992'."

## SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-243, §1, Dec. 20, 1991, 105 Stat. 2394, provided that: "This Act [enacting section 227 of this title, amending sections 152 and 331 of this title, and enacting provisions set out as notes under section 227 of this title] may be cited as the 'Telephone Consumer Protection Act of 1991'."

## SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-437, §1, Oct. 17, 1990, 104 Stat. 996, provided that: "This Act [enacting sections 303a, 303b, and 394 of this title, amending section 397 of this title, renumbering former section 394 of this title as section 393a, and enacting provisions set out as notes under this section and sections 303a and 394 of this title] may be cited as the 'Children's Television Act of 1990'."

Pub. L. 101-437, title II, §201, Oct. 17, 1990, 104 Stat. 997, provided that: "This title [enacting section 394 of this title, amending section 397 of this title, renumbering former section 394 of this title as section 393a, and enacting provisions set out as a note under section 394 of this title] may be cited as the 'National Endowment for Children's Educational Television Act of 1990'."

Pub. L. 101-435, §1, Oct. 17, 1990, 104 Stat. 986, provided that: "This Act [enacting section 226 of this title and provisions set out as a note under section 226 of this title] may be cited as the 'Telephone Operator Consumer Services Improvement Act of 1990'."

Pub. L. 101-431, §1, Oct. 15, 1990, 104 Stat. 960, provided that: "This Act [amending sections 303 and 330 of this title and enacting provisions set out as notes under section 303 of this title] may be cited as the 'Television Decoder Circuitry Act of 1990'."

Pub. L. 101-396, §1, Sept. 28, 1990, 104 Stat. 848, provided: "That this Act [enacting section 333 of this title, amending sections 154, 156, 203, 303, 310, and 503 of this title, and amending provisions set out as a note under section 154 of this title] may be cited as the 'Federal Communications Commission Authorization Act of 1990'."

## SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-626, §1, Nov. 7, 1988, 102 Stat. 3207, provided that: "This Act [amending sections 391, 396, 398, 399, and 605 of this title and enacting provisions set out as notes under sections 391 and 396 of this title] may be cited as the 'Public Telecommunications Act of 1988'."

Pub. L. 100-594, §1, Nov. 3, 1988, 102 Stat. 3021, provided that: "This Act [amending sections 154 to 156, 158, 204, 208, and 405 of this title and enacting provisions set out as notes under sections 154 and 156 of this title] may be cited as the 'Federal Communications Commission Authorization Act of 1988'."

Pub. L. 100-394, §1, Aug. 16, 1988, 102 Stat. 976, provided: "That this Act [amending section 610 of this title and enacting provisions set out as a note under section 610 of this title] may be cited as the 'Hearing Aid Compatibility Act of 1988'."

## SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-549, §1(a), Oct. 30, 1984, 98 Stat. 2779, provided that: "This Act [enacting subchapter V-A of this chapter and section 611 of this title, amending sections 152, 224, 309, and 605 of this title, section 2511 of Title 18, Crimes and Criminal Procedure, and section 1805 of Title 50, War and National Defense, and enacting provisions set out as notes under sections 521, 543, and 605 of this title] may be cited as the 'Cable Communications Policy Act of 1984'."

## SHORT TITLE OF 1983 AMENDMENTS

Pub. L. 98-214, §1, Dec. 8, 1983, 97 Stat. 1467, provided that: "This Act [enacting section 157 of this title, amending sections 154, 156, 223, 310, 316, 396, and 503 of this title, and enacting provisions set out as notes under sections 156, 223, and 303 of this title] may be cited as the 'Federal Communications Commission Authorization Act of 1983'."

Pub. L. 97-410, §1, Jan. 3, 1983, 96 Stat. 2043, provided: "That this Act [enacting section 610 of this title, amending section 734 of this title, enacting provisions set out as a note under section 610 of this title, and amending provisions set out as a note under section 396 of this title] may be cited as the 'Telecommunications for the Disabled Act of 1982'."

## SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-259, title I, §101, Sept. 13, 1982, 96 Stat. 1087, provided that: "This title [enacting sections 332 and 510 of this title, amending sections 153, 154, 155, 224, 301, 302a, 303, 304, 307, 309, 311, 312, 319, 402, 405, 408, 503, and 605 of this title and section 1114 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a note under section 302a of this title] may be cited as the 'Communications Amendments Act of 1982'."

## SHORT TITLE OF 1981 AMENDMENTS

Pub. L. 97-130, §1, Dec 29, 1981, 95 Stat. 1687, provided that: "This Act [amending section 222 of this title and section 1017 of Title 45, Railroads, and enacting provisions set out as notes under section 222 of this title and section 1017 of Title 45] may be referred to as the 'Record Carrier Competition Act of 1981'."

Pub. L. 97-35, title XII, §1221, Aug. 13, 1981, 95 Stat. 725, provided that: "This chapter [chapter 1 (§§1221-1234) of subtitle B of title XII of Pub. L. 97-35, enacting sections 399a and 399b of this title, amending sections 391, 392, 396, 397, and 399 of this title, and enacting provisions set out as notes under section 396 of this title] may be cited as the 'Public Broadcasting Amendments Act of 1981'."

## SHORT TITLE OF 1978 AMENDMENTS

Pub. L. 95-567, §1, Nov. 2, 1978, 92 Stat. 2405, provided: "That this Act [enacting section 395 of this title, amending sections 390 to 392, 393, 394, and 396 to 398 of this title, repealing sections 392a and 395 of this title, and enacting provisions set out as notes under sections 390, 392, and 396 of this title and section 5316 of Title 5, Government Organization and Employees] may be cited as the 'Public Telecommunications Financing Act of 1978'."

Pub. L. 95-234, §1, Feb. 21, 1978, 92 Stat. 33, provided: "That this Act [enacting section 224 of this title, amending sections 152, 503, and 504 of this title, repealing section 510 of this title, and enacting provisions set out as a note under section 152 of this title] may be cited as the 'Communications Act Amendments of 1978'."

## SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-309, §1, June 5, 1976, 90 Stat. 683, provided: "That this Act [enacting section 392a of this title and amending sections 390, 391, 392, 395, 397, and 399 of this title] may be cited as the 'Educational Broadcasting Facilities and Telecommunications Demonstration Act of 1976'."

## SHORT TITLE OF 1975 AMENDMENT

Pub. L. 94-192, §1, Dec. 31, 1975, 89 Stat. 1099, provided: "That this Act [amending sections 396 and 397 of this title] may be cited as the 'Public Broadcasting Financing Act of 1975'."

## SHORT TITLE OF 1971 AMENDMENT

Pub. L. 92-131, §1, Sept. 30, 1971, 85 Stat. 363, provided that: "This Act [amending section 410 of this title] may be cited as the 'Federal-State Communications Joint Board Act'."

## SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-437, §1, Oct. 7, 1970, 84 Stat. 888, provided: "That this Act [amending section 396 of this title] may be cited as the 'Public Broadcasting Financing Act of 1970'."

## SHORT TITLE OF 1969 AMENDMENT

Pub. L. 91-97, §1, Oct. 27, 1969, 83 Stat. 146, provided: "That this Act [amending sections 391 and 396 of this

title] may be cited as the 'Educational Television and Radio Amendments of 1969'."

SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90-129, §1, Nov. 7, 1967, 81 Stat. 365, provided: "That this Act [enacting sections 396, 398, and 399 of this title, amending sections 390 to 395 and 397 of this title, and enacting provisions set out as notes under sections 390 and 392 of this title] may be cited as the 'Public Broadcasting Act of 1967'."

SHORT TITLE OF 1960 AMENDMENT

Pub. L. 86-752, §1, Sept. 13, 1960, 74 Stat. 889, provided that: "This Act [enacting sections 508 and 509 of this title, amending sections 154, 307, 309, 311, 312, 313, 317, 319, 405, 503, and 504 of this title, and enacting provisions set out as notes under sections 309 and 405 of this title] may be cited as the 'Communications Act Amendments, 1960'."

SHORT TITLE OF 1952 AMENDMENT

Act July 16, 1952, ch. 879, §1, 66 Stat. 711, provided that: "This Act [enacting section 1343 of Title 18, Crimes and Criminal Procedure, amending sections 153 to 155, 307 to 312, 315, 316, 319, 402, 405, 409, and 410 of this title, and enacting provisions set out as notes under section 153 of this title] may be cited as the 'Communications Act Amendments, 1952'."

**§ 610. Telephone service for disabled**

**(a) Establishment of regulations**

The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

**(b) Hearing aid compatibility requirements**

(1) Except as provided in paragraphs (2) and (3) and subsection (c), the Commission shall require that customer premises equipment described in this paragraph provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility. Customer premises equipment described in this paragraph are the following:

(A) All essential telephones.

(B) All telephones manufactured in the United States (other than for export) more than one year after August 16, 1988, or imported for use in the United States more than one year after such date.

(C) All customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, subject to the regulations prescribed by the Commission under subsection (e).

(2)(A) The regulations prescribed by the Commission under paragraph (1) shall exempt from the requirements established pursuant to subparagraphs (B) and (C) of paragraph (1) only—

(i) telephones used with public mobile services;

(ii) telephones used with private radio services; and

(iii) secure telephones.

(B) The Commission shall periodically assess the appropriateness of continuing in effect the exemptions for telephones and other customer premises equipment described in subparagraph

(A) of this paragraph. The Commission shall revoke or otherwise limit any such exemption if the Commission determines that—

(i) such revocation or limitation is in the public interest;

(ii) continuation of the exemption without such revocation or limitation would have an adverse effect on hearing-impaired individuals;

(iii) compliance with the requirements of subparagraph (B) or (C) of paragraph (1) is technologically feasible for the telephones to which the exemption applies; and

(iv) compliance with the requirements of subparagraph (B) or (C) of paragraph (1) would not increase costs to such an extent that the telephones to which the exemption applies could not be successfully marketed.

(3) The Commission may, upon the application of any interested person, initiate a proceeding to waive the requirements of paragraph (1)(B) of this subsection with respect to new telephones, or telephones associated with a new technology or service. The Commission shall not grant such a waiver unless the Commission determines, on the basis of evidence in the record of such proceeding, that such telephones, or such technology or service, are in the public interest, and that (A) compliance with the requirements of paragraph (1)(B) is technologically infeasible, or (B) compliance with such requirements would increase the costs of the telephones, or of the technology or service, to such an extent that such telephones, technology, or service could not be successfully marketed. In any proceeding under this paragraph to grant a waiver from the requirements of paragraph (1)(B), the Commission shall consider the effect on hearing-impaired individuals of granting the waiver. The Commission shall periodically review and determine the continuing need for any waiver granted pursuant to this paragraph.

(4) For purposes of this subsection—

(A) 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;

(B) the term "telephones used with public mobile services" means telephones and other customer premises equipment used in whole or in part with air-to-ground radiotelephone services, cellular radio telecommunications services, offshore radio, rural radio service, public land mobile telephone service, or other common carrier radio communication services covered by title 47 of the Code of Federal Regulations, or any functionally equivalent unlicensed wireless services;

(C) the term "telephones used with private radio services" means telephones and other customer premises equipment used in whole or in part with private land mobile radio services and other communications services characterized by the Commission in its rules as private radio services; and

(D) the term "secure telephones" means telephones that are approved by the United States Government for the transmission of classified or sensitive voice communications.