

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.

(c) Technical standards

The Commission shall establish or approve such technical standards as are required to enforce this section. A telephone or other customer premises equipment that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 155(c) of this title. The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section.

(d) Labeling of packaging materials for equipment

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) Costs and benefits; encouragement of use of currently available technology

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 loss. 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. In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate time-tables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users.

(f) Periodic review of regulations; retrofitting

The Commission shall periodically review the regulations established pursuant to this section. 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) Recovery of reasonable and prudent costs

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) Rule of construction

Nothing in the Twenty-First Century Communications and Video Accessibility Act of 2010 shall be construed to modify the Commission's regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on October 8, 2010.

(June 19, 1934, ch. 652, title VII, §710, formerly title VI, §610, as added Pub. L. 97-410, §3, Jan. 3,

1983, 96 Stat. 2043; renumbered title VII, §710, Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804; amended Pub. L. 100-394, §3, Aug. 16, 1988, 102 Stat. 976; Pub. L. 103-414, title III, §304(a)(16), Oct. 25, 1994, 108 Stat. 4297; Pub. L. 111-260, title I, §102, Oct. 8, 2010, 124 Stat. 2753.)

REFERENCES IN TEXT

The Twenty-First Century Communications and Video Accessibility Act of 2010, referred to in subsec. (h), is Pub. L. 111-260, Oct. 8, 2010, 124 Stat. 2751, which enacted sections 615c and 616 to 620 of this title, amended sections 153, 225, 303, 330, 402, 503, 610, and 613 of this title, and enacted provisions set out as notes under sections 153, 303, 609, 613, and 619 of this title. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note set out under section 609 of this title and Tables.

AMENDMENTS

2010—Subsec. (b)(1), Pub. L. 111-260, §102(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) Except as provided in paragraphs (2) and (3), the Commission shall require that—

“(A) all essential telephones, and

“(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 August 16, 1988,

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.”

Subsec. (b)(2)(A), Pub. L. 111-260, §102(a)(2)(A)(i)(I), in introductory provisions, struck out “initial” before “regulations” and “of this subsection after August 16, 1988,” before “shall exempt” and substituted “subparagraphs (B) and (C) of paragraph (1)” for “paragraph (1)(B) of this subsection”.

Subsec. (b)(2)(A)(ii) to (iv), Pub. L. 111-260, §102(a)(2)(A)(i)(II)-(IV), inserted “and” at the end of clause (ii), redesignated cl. (iv) as (iii), and struck out former cl. (iii) which read as follows: “cordless telephones; and”.

Subsec. (b)(2)(B), (C), Pub. L. 111-260, §102(a)(2)(A)(ii), (iii), redesignated subpar. (C) as (B), substituted “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.” for “The Commission shall periodically assess the appropriateness of continuing in effect the exemptions provided by such regulations for telephones used with public mobile services and telephones used with private radio services.” in introductory provisions, substituted “subparagraph (B) or (C) of paragraph (1)” for “paragraph (1)(B)” in cls. (iii) and (iv), and struck out former subpar. (B) which read as follows: “The exemption provided by such regulations for cordless telephones shall not apply with respect to cordless telephones manufactured or imported more than three years after August 16, 1988.”

Subsec. (b)(4)(B), Pub. L. 111-260, §102(a)(2)(B), substituted “telephones used with public mobile” for “public mobile”, inserted “telephones and other customer premises equipment used in whole or in part with” after “means”, substituted “or other common carrier” for “and other common carrier”, struck out “part 22 of” before “title 47 of the Code of Federal Regulations”, and inserted before semicolon at end “, or any functionally equivalent unlicensed wireless services”.

Subsec. (b)(4)(C), Pub. L. 111-260, §102(a)(2)(C), substituted “term ‘telephones used with private radio services’” for “term ‘private radio services’” and inserted “telephones and other customer premises equipment used in whole or in part with” after “means”.

Subsec. (c), Pub. L. 111-260, §102(b), inserted at end: “A telephone or other customer premises equipment

that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 155(c) of this title. The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section."

Subsec. (e). Pub. L. 111-260, §102(c), substituted "loss" for "impairments" and inserted at end "In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate timetables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users."

Subsec. (h). Pub. L. 111-260, §102(d), amended subsec. (h) generally. Prior to amendment, subsec. (h) related to State enforcement.

1994—Subsec. (f). Pub. L. 103-414 substituted "The Commission" for "The Commission shall complete rulemaking actions required by this section and issue specific and detailed rules and regulations resulting therefrom within one year after January 3, 1983. The Commission shall complete rulemaking actions required to implement the amendments made by the Hearing Aid Compatibility Act of 1988 within nine months after August 16, 1988. Thereafter, the Commission".

1988—Subsec. (b). Pub. L. 100-394, §3(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "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."

Subsec. (f). Pub. L. 100-394, §3(b), substituted "The Commission shall complete rulemaking actions required to implement the amendments made by the Hearing Aid Compatibility Act of 1988 within nine months after August 16, 1988. Thereafter, the Commission shall periodically review the regulations established pursuant to this section." for "Thereafter the Commission shall periodically review such rules and regulations."

CONGRESSIONAL FINDINGS FOR 1988 AMENDMENT

Pub. L. 100-394, §2, Aug. 16, 1988, 102 Stat. 976, provided that: "The Congress finds that—

"(1) to the fullest extent made possible by technology and medical science, hearing-impaired persons should have equal access to the national telecommunications network;

"(2) present technology provides effective coupling of telephones to hearing aids used by some severely hearing-impaired persons for communicating by voice telephone;

"(3) anticipated improvements in both telephone and hearing aid technologies promise greater access in the future; and

"(4) universal telephone service for hearing-impaired persons will lead to greater employment opportunities and increased productivity."

CONGRESSIONAL FINDINGS

Pub. L. 97-410, §2, Jan. 3, 1983, 96 Stat. 2043, provided that: "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."

§ 611. Closed-captioning of public service announcements

Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of Federal Government shall include closed captioning of the verbal content of such announcement. A television broadcast station licensee—

(1) shall not be required to supply closed captioning for any such announcement that fails to include it; and

(2) shall not be liable for broadcasting any such announcement without transmitting a closed caption unless the licensee intentionally fails to transmit the closed caption that was included with the announcement.

(June 19, 1934, ch. 652, title VII, §711, as added Pub. L. 98-549, §8, Oct. 30, 1984, 98 Stat. 2804; amended Pub. L. 101-336, title IV, §402, July 26, 1990, 104 Stat. 369.)

AMENDMENTS

1990—Pub. L. 101-336 amended section generally, substituting provisions relating to closed-captioning of public service announcements for provisions relating to establishment, functions, composition, etc., of Telecommunications Policy Study Commission.

EFFECTIVE DATE

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 612. Syndicated exclusivity

(a) The Federal Communications Commission shall initiate a combined inquiry and rulemaking proceeding for the purpose of—

(1) determining the feasibility of imposing syndicated exclusivity rules with respect to the delivery of syndicated programming (as defined by the Commission) for private home viewing of secondary transmissions by satellite of broadcast station signals similar to the rules issued by the Commission with respect to syndicated exclusivity and cable television; and

(2) adopting such rules if the Commission considers the imposition of such rules to be feasible.

(b) In the event that the Commission adopts such rules, any willful and repeated secondary transmission made by a satellite carrier to the public of a primary transmission embodying the performance or display of a work which violates such Commission rules shall be subject to the remedies, sanctions, and penalties provided by subchapter V of this chapter and section 605 of this title.

(June 19, 1934, ch. 652, title VII, §712, as added Pub. L. 100-667, title II, §203, Nov. 16, 1988, 102