

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