

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), 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 im-

ported 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.

(2)(A) The initial regulations prescribed by the Commission under paragraph (1) of this subsection after August 16, 1988, shall exempt from the requirements established pursuant to paragraph (1)(B) of this subsection only—

(i) telephones used with public mobile services;

(ii) telephones used with private radio services;

(iii) cordless telephones; and

(iv) secure telephones.

(B) 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.

(C) 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. 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 paragraph (1)(B) is technologically feasible for the telephones to which the exemption applies; and

(iv) compliance with the requirements of paragraph (1)(B) 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 “public mobile services” means air-to-ground radiotelephone services, cellular radio telecommunications services, offshore radio, rural radio service, public land mobile telephone service, and other common carrier radio communication services covered by part 22 of title 47 of the Code of Federal Regulations;

(C) the term “private radio services” means 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.

(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 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) 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) State enforcement

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) of this section, conditioned upon the adoption and enforcement of such regulations by the State commission.

(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.)

AMENDMENTS

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

Section 2 of Pub. L. 100-394 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

Section 2 of Pub. L. 97-410 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 rule-making 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 Stat. 3958; amended Pub. L. 103-414, title III, § 304(a)(17), Oct. 25, 1994, 108 Stat. 4297.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-414 struck out “, within 120 days after January 1, 1989,” after “The Federal Communications Commission shall”.

EFFECTIVE DATE

Section effective Jan. 1, 1989, see section 206 of Pub. L. 100-667, set out as a note under section 119 of Title 17, Copyrights.

§ 613. Video programming accessibility

(a) Commission inquiry

Within 180 days after February 8, 1996, the Federal Communications Commission shall complete an inquiry to ascertain the level at which video programming is closed captioned. Such inquiry shall examine the extent to which existing or previously published programming is closed captioned, the size of the video programming provider or programming owner providing closed captioning, the size of the market served, the relative audience shares achieved, or any other related factors. The Commission shall submit to the Congress a report on the results of such inquiry.

(b) Accountability criteria

Within 18 months after February 8, 1996, the Commission shall prescribe such regulations as are necessary to implement this section. Such regulations shall ensure that—

- (1) video programming first published or exhibited after the effective date of such regulations is fully accessible through the provision of closed captions, except as provided in subsection (d) of this section; and
- (2) video programming providers or owners maximize the accessibility of video programming first published or exhibited prior to the effective date of such regulations through the provision of closed captions, except as provided in subsection (d) of this section.

(c) Deadlines for captioning

Such regulations shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming.

(d) Exemptions

Notwithstanding subsection (b) of this section—

- (1) the Commission may exempt by regulation programs, classes of programs, or services for which the Commission has determined that the provision of closed captioning would be economically burdensome to the provider or owner of such programming;
- (2) a provider of video programming or the owner of any program carried by the provider shall not be obligated to supply closed captions if such action would be inconsistent with contracts in effect on February 8, 1996, except that nothing in this section shall be construed to relieve a video programming provider of its obligations to provide services required by Federal law; and
- (3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would result in an undue burden.

(e) **Undue burden**

The term “undue burden” means significant difficulty or expense. In determining whether the closed captions necessary to comply with the requirements of this paragraph would result in an undue economic burden, the factors to be considered include—