

Public Law 100-394
100th Congress

An Act

Aug. 16, 1988
[H.R. 2213]

Hearing Aid
Compatibility
Act of 1988.
Communications
and
telecommunica-
tions.
47 USC 609 note.
47 USC 610 note.

To require certain telephones to be hearing aid compatible.

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 "Hearing Aid Compatibility Act of 1988".

FINDINGS

SEC. 2. 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.

HEARING AID COMPATIBILITY REQUIREMENTS

SEC. 3. (a) Subsection (b) of section 710 of the Communications Act of 1934 (47 U.S.C. 610) is amended to read as follows:

"(b)(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 the date of enactment of the Hearing Aid Compatibility Act of 1988 or imported for use in the United States more than one year after such date, 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 the date of enactment of the Hearing Aid Compatibility Act of 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 the date of enactment of the Hearing Aid Compatibility Act of 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.

Science and
technology.

“(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.”

(b) Section 710(f) of the Communications Act of 1934 (47 U.S.C. 610(f)) is amended by striking out the second sentence and inserting in lieu thereof the following: "The Commission shall complete rule-making actions required to implement the amendments made by the Hearing Aid Compatibility Act of 1988 within nine months after the date of enactment of such Act. Thereafter, the Commission shall periodically review the regulations established pursuant to this section."

Approved August 16, 1988.

LEGISLATIVE HISTORY—H.R. 2213 (S. 314):

HOUSE REPORTS: No. 100-674 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 100-391 accompanying S. 314 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 7, 8, considered and passed House.

July 11, considered and passed Senate, amended, in lieu of S. 314.

July 28, House concurred in Senate amendment.