

Daily Digest

HIGHLIGHTS

- Senate cleared Omnibus Reconciliation Act for President.
- House cleared budget reconciliation, supplemental appropriations, and Department of Defense authorization measures.

Senate

Chamber Action

Routine Proceedings, pages S10717-S10827

Bills Introduced: Four bills and two resolutions were introduced, as follows: S. 2851-2854, S.J. Res. 92, and S. Res. 451.

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Bills Reported: Reports were made as follows:

H.R. 3517, authorizing the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands, with an amendment. (S. Rept. No. 97-529)

Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 4961, making miscellaneous changes in the tax laws. (S. Rept. No. 97-530)

S. 2569, declaring certain lands in the Cumberland Island National Seashore, Georgia, as wilderness (with additional views). (S. Rept. No. 97-531)

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Measures Passed:

Emigration of Yuri Balovlenkov: Senate agreed to H. Con. Res. 385, expressing the sense of the Congress that the Soviet Union should allow Yuri Balovlenkov to emigrate.

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Telephones for the Hearing Impaired: Senate passed with an amendment in the nature of a substitute S. 2355, providing adequate telephone service to persons with impaired hearing.

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Federal Communications Act Amendments: Senate passed H.R. 3239, amending the Communications Act of 1934, after agreeing to Baker (for Packwood) unprinted amendment No. 1250, in the nature of a substitute.

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Correction in Enrollment: Senate agreed to H. Con. Res. 396, making corrections in the enrollment

of H.R. 6955, providing for reconciliation pursuant to Section 2 of the first concurrent resolution on the budget for fiscal year 1983, as mandated in S. Con. Res. 92, revising the Congressional Budget for the Federal Government for fiscal years 1983, 1984, and 1985, and revising the Congressional Budget for the Federal Government for fiscal year ending September 30, 1982.

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Temporary Debt Limit Increase: Senate continued consideration of H.J. Res. 520, providing for a temporary increase in the public debt, with a committee amendment in the nature of a substitute and additional amendments proposed thereto, as follows:

Pages S10735, S10790

Pending:

(1) Helms modified Amendment No. 2031, to restore the right of voluntary prayer in public schools.

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(2) Helms unprinted amendment No. 1251 (printed Amendment No. 2038) (to Helms modified Amendment No. 2031), perfecting, to protect unborn human beings.

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(3) Weicker unprinted amendment No. 1252 (printed Amendment No. 2039), to provide that nothing in the Act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States, nor shall anything in the Act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States. (By 38 yeas to 59 nays, Senate failed to table the amendment.)

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(4) Baucus unprinted amendment No. 1253 (printed Amendment No. 2040) (to Weicker unprinted amendment No. 1252), to provide that it is the sense of the Congress that the Federal courts must remain open to litigants whose claims arise out of the Federal Constitution; that it is emphatically the province

Ordered, That Mr. RODINO, Mr. HUGHES, Mr. CONYERS, Mr. KASTENMEIER, Mr. GLICKMAN, Mr. McCLORY, Mr. SAWYER, and Mr. FISH be the managers of the conference on the part of the House.

Mr. BAKER. Madam President, I move that the Senate disagree to the amendment of the House and agree to the conference requested by the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mrs. KASSEBAUM) appointed Mr. THURMOND, Mr. MATHIAS, Mr. LAXALT, Mr. BIDEN, and Mr. LEAHY conferees on the part of the Senate.

MILITARY CONSTRUCTION AUTHORIZATION, 1983

Mr. BAKER. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2586.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2586) to authorize certain construction at military installations for fiscal year 1983, and for other purposes.

(The amendment of the House is printed in the RECORD of August 11, 1982, beginning at page H5738.)

Mr. BAKER. Madam President, I move that the Senate disagree to the amendment of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mrs. KASSEBAUM) appointed Mr. TOWER, Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. DENTON, Mr. BRADY, Mr. STENNIS, Mr. HART, Mr. JACKSON, Mr. CANNON, and Mr. EXON conferees on the part of the Senate.

ACCESS TO TELEPHONE SERVICE FOR THE HEARING IMPAIRED

The Senate proceeded to consider the bill (S. 2355) to amend the Communications Act of 1934 to provide that persons with impaired hearing are insured reasonable access to telephone service, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

That the Congress hereby finds that—

(1) all persons subscribing to or otherwise receiving telephone service in the Nation should receive the best service which is technologically and economically feasible;

(2) currently available technology is capable of providing telephone service to some of those 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 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.

Sec. 2. Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

"TELEPHONE SERVICE TO PERSONS WITH IMPAIRED HEARING

"Sec. 225. (a) The Commission shall establish such regulations as are necessary to ensure reasonable access to telephone service by persons with impaired hearing.

"(b) In ensuring such access, the Commission shall require that coin-operated public telephones be designed, manufactured, and operated so as to provide internal means for coupling with hearing aids. The Commission may also require that other telephones frequently used by the public or provided for emergency use by similarly designed, manufactured, and operated.

"(c) The Commission may establish such technical standards as are required in order to ensure compatibility between telephones and hearing aids.

"(d) 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) 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 new technology.

"(f) The Commission shall complete rulemaking actions required by this section and issue such rules and regulations resulting therefrom within one year after the date of enactment of this section of the Act. Thereafter the Commission shall periodically review such rules and regulations. Except for coin-operated public telephones and telephones provided for emergency use, the Commission may not require the retrofitting of equipment to achieve the purposes of this section."

Mr. GOLDWATER. Madam President, I am pleased to be a cosponsor of S. 2355, a bill designed to insure that the hearing-impaired have reasonable access to telephone service. This bill will accomplish its worthwhile goals with minimal fiscal and regulatory impact.

The Senate Committee on Commerce, Science and Transportation report which accompanies this bill estimates that the legislation will cost the Federal Communications Commission \$200,000 for staff time and overhead. The committee intends that this sum is to be paid out of the FCC's already available funds. Furthermore, while the regulations that this bill will require will include the monitoring of manufacturers and telephone companies, we expect that this monitoring will not place significant paperwork burdens on these parties.

Mr. MATHIAS. Madam President, we are a nation with an advanced case of telephonitis. We Americans use 180 million telephones to go about our daily work, arrange our family lives and cope with unexpected events. Most of us could not carry on in our homes, at our jobs or anywhere else for as much as 1 day without using a telephone.

For Americans with hearing aids, however, one out of five of those telephone does not work. And every day more telephones are installed in homes, businesses, hospitals and public accommodations with receivers that are useless to hearing aid users.

The problem is serious because using the telephone has become an essential part of modern life. It is essential to find a job and keep a job; it is essential to maintain normal contact with other people; it is essential for emergency protection; and it is essential for mobility.

The bill before us does not offer much hope for correcting this problem.

The prospect of establishing telephone compatibility through the Federal Communications Commission and through the courts points to years of unnecessary confusion, delay, frustration and expense—both for telephone users and for the industry. Issues of compatibility between telephones and hearing aids have been on the docket before the Federal Communications Commission for several years, but the Commission has been moving at a snail's pace.

The bill before us calls for "reasonable" access to telephones for people with hearing aids. But this issue would not be before the Senate tonight if people could agree on what is reasonable. Universal access is what hearing impaired people want.

This bill directs the Federal Communications Commission to require compatibility for coin-operated public telephones only. Thus this measure would assure compatibility only where industry has already provided compatibility and insists that it has no plans to change that compatibility. The bill does nothing about compatibility for the telephones most frequently used by everyone, the telephones at home and at work.

It is well known that the telephone is a byproduct of Alexander Graham Bell's search for a device to help the hearing-impaired. It is long past time to bring full and assured access to telephones into the lives of people who rely on hearing aids.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CANNON. Madam President, I am very pleased that the Senate has approved S. 2355, which I introduced along with Senators GOLDWATER and RIEGLE. It addresses problems in using telephones experienced by persons