

I would also like to single out the National PTA and their legislative director, Millie Waterman, for the outstanding work they have done in helping to bring this bill to fruition. Made good on parents' responsibility to protect their children from exploitation at the hands of TV.

Television plays an enormous role in the education and formation of children. Preschoolers watch more than 28 hours of television per week. That is more than 4 hours each day. A child watches on average between 15,000 and 20,000 hours of television by the time he or she has graduated from high school. That amounts to approximately 350,000 commercial messages.

Since the 1984 deregulation of children's television by the FCC, the Federal Government has abdicated its considerable responsibility for protecting children in this vital area. The FCC that once called television as nothing more than "toasters with pictures" can no longer be trusted to fulfill its obligations to the American public. We are now taking a first step toward fulfilling that responsibility once again.

The bill we are enacting today is a modest version of our original effort. It is one that we have been able to reach consensus on and represents an important step. The commercial guidelines will restrict commercials to levels comparable to pre-1984 levels.

Perhaps more importantly, the bill will require the FCC once again to consider a licensee's service to children as part of its general obligation to "serve the public interest." That such a responsibility was ever left to the vagaries of marketplace forces is nothing short of incredible.

I and my colleagues will be keeping a close eye on the current FCC proceeding for signs of progress in restoring other guidelines that we do not address today. What, if anything, is done about the problem of so-called program-length commercials will be of particular interest. If the FCC drops the ball again, if program-length commercials like "He-Man," "G.I. Joe," and "Transformers" continue to proliferate, I believe Congress will have to take up this issue once again.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 3966.

This legislation would not be necessary if the Federal Communications Commission had not abdicated its responsibility for regulating children's television in 1984.

Before that year, the Commission had been building a record that recognized children's unique needs and vulnerability to commercial pitches. As far back as 1960, the FCC regarded children as a group whose programming needs were required to be met by television licensees in order to meet the stations' public interest responsibilities. In 1974, the Commission ruled that broadcasters had a special obligation to serve children as a substantial and important community group.

But in 1984, the FCC abruptly reversed its previous policies, deciding that marketplace forces would adequately restrain the commercial contents of children's programming. The Commission dropped commercial guidelines for children's television and ended the requirement that broadcasters determine the broadcasting needs of their local communities.

The FCC's 1984 decision was pure ideology and flew in the face not only of previous policy but also of common sense. In response to a lawsuit challenging the FCC decision, a

Federal Appeals Court ruled in 1987 that the Commission had "offered neither facts nor analysis" to support a reversal of its earlier policy. The court ordered the Commission to reconsider its action.

Today's compromise bill represents a small but necessary step back toward 1984. It is particularly crucial in light of the following facts:

Between the ages of 2 and 12, American children watch an average of 25 hours of television each week.

By the time the average child finishes high school, he or she has spent more hours watching television than in the classroom.

Before a child is 18, he or she has seen 200,000 television commercials.

H.R. 3966 would reimpose moderate limits on the number of minutes of commercials per hour of children's programming. It would allow 1 of every 5 minutes of children's weekday programming to be taken up by commercials. On weekdays, children's programming would be limited to 10½ minutes of commercials per hour, compared to the pre-1984 limit of 9½ minutes per hour. Perhaps more significantly, the bill would require the FCC, in reviewing station licenses, to determine whether the licensee has served the educational and informational needs of children in its overall programming.

H.R. 3966 enjoys bipartisan support and is not opposed by the broadcasting industry. In 1984, the FCC abdicated its responsibility to children. It is past time that Congress responded.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 3966, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 3966, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### HEARING AID COMPATIBILITY ACT OF 1988

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2213) to require certain tele-

phones to be hearing aid compatible, as amended.

The Clerk read as follows:

H.R. 2213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Aid Compatibility Act of 1988".

#### SEC. 2. FINDINGS.

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.

#### SEC. 3. AMENDMENTS.

(a) HEARING AID COMPATIBILITY REQUIREMENTS.—Subsection (b) of section 710 of the Communications Act of 1934 (47 U.S.C. 610(b)) 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), or imported for use in the United States, more than one year after the date of enactment of the Hearing Aid Compatibility Act of 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) 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—

"(A) telephones used with public mobile services;

"(B) telephones used with private radio services;

"(C) cordless telephones; and

"(D) secure telephones.

The exemption provided by such regulations to cordless telephones shall not apply with respect to cordless telephones manufactured or imported more than 3 years after the date of enactment of the Hearing Aid Compatibility Act of 1988.

"(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 terminal equipment 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 technology or service is 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 technology or service to such an extent that the 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.

"(A) For purposes of this subsection—

"(A) the term 'essential telephones' means any 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) CONFORMING AMENDMENT.—Section 710(f) of the Communications Act of 1934 is amended by striking out the second sentence and inserting the following: "The Commission shall complete rulemaking actions required to implement the amendments made by the Hearing Aid Compatibility Act of 1988 within 9 months after the date of enactment of such Act. Thereafter, the Commission shall periodically review the regulations established pursuant to this section."

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the students and faculty at Gallaudet University helped us to learn this spring, the deaf and hard of hearing are tearing down the barriers that have prevented them from becoming full and equal members of society. They have removed the obstacles erected by an insensitive and unsympathetic society.

Today this body can join these courageous individuals and discard another needless impediment to the success of the hearing impaired and guarantee that they have equal access to the U.S. telephone network.

At present there are many times, often when it matters the most, that a hearing impaired person simply cannot use the telephone. Imagine not being able to call home from a friend's house or use the phone in someone else's office or even to call 911 outside your own home in an emergency.

For many of the Nation's 4 million hearing impaired persons, this is not some far-fetched nightmare. It is a daily reality. In today's information and communication driven society, the telephone is no longer a luxury item. It is an essential part of our everyday lives, our link to the rest of the world, and vital to our business and social success as well.

Ironically, since the de-regulation of the telephone equipment industry, which promised to bring the wonders of modern telecommunications to all Americans, the percentage of telephones the hearing impaired can use has gone down significantly.

H.R. 2213 will reverse this dangerous trend. The bill amends section 710 of the Communications Act of 1934 and the Telecommunications for the Disabled Act of 1982, to require that all telephones manufactured or imported 1 year after enactment of this act be hearing aid compatible.

The legislation exempts a few specialized applications, such as mobile services and phones used for national security purposes.

Further, H.R. 2213 is written to insure that it will not freeze today's technology and inhibit future innovation and development.

The bill only requires that phones be compatible. It does not mandate any particular type of technology.

This legislation will keep pace with the dynamic fast-changing telecommunications and hearing aid technology.

Fortunately, it is very easy to make every telephone accessible to the hearing impaired person. A simple virtually costless copper wire located in the telephone hand set creates an electromagnetic field which a telecoil in a hearing aid picks up, allowing the users to hear loud and clear.

Unfortunately for the nearly 2 million telecoil hearing aid users and the up to an additional 10 million people with latent hearing impairments, a very large percentage of whom among this country's growing elderly population, too many phones do not have this tiny wire.

We simply cannot confine the hearing impaired to a world of silence. Requiring that all new phones be hearing aid compatible will help the hearing impaired enjoy the freedom of access and safety that the telephone brings.

Over the past months, the subcommittee working with my distinguished ranking minority member, the gentleman from New Jersey [Mr. RINALDO] and I have worked with the bill's original sponsor, Senator LARRY PRESSLER, and my good friend, the gentleman from Massachusetts [Mr. MAVROULES], as well as advocates, especially David Saks of the Organization of Use of the Telephone, Cynthia Reilly of the Office of the Maryland's People's Counsel, Karen Peltz Strauss of Gallaudet University, manufacturers such as GTE, AT&T, IBM, and experts from the EIA and the FCC, in an

effort to construct an effective and equitable bill. I want to commend all of them for their dedication and commitment to improving the lives of the hearing impaired.

I also want to thank the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], for his cooperation in this effort and for the valuable assistance his staff has provided.

I would also like to note that my staff, Mr. Sidman, Mr. Frommer, and Mr. Salemme, working with Mark MacCarthy of the full committee have worked intensively over a very short period of time in order to produce this piece of legislation, working with the subcommittee staff in an effort to produce a bipartisan piece of legislation.

Working together, we have reached consensus language which addresses the communication needs of the hearing impaired and still affords manufacturers the flexibility which they need.

□ 1330

The Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce unanimously adopted this consensus language as an amendment in the nature of a substitute to H.R. 2213. The Telecommunications for the Disabled Act of 1982 was a good first step in improving the hearing impaired's access to a limited number of telephones but now it is time to take a giant step further, a step that will ensure that the hearing impaired are capable of using every telephone like we all do, a step which will guarantee the hearing impaired equal access to the U.S. telephone system.

This body has often shown its commitment to a strong national policy of universal telephone service for all Americans. Today we can again demonstrate this unwavering commitment by guaranteeing equal access of the telephone network to the hearing impaired.

Mr. Speaker, I would also like to note, although I did not do this at the appropriate time in the last legislation, note that the children's bill was also a product of that same kind of cooperation and there again the full committee staff led by Mark McCarthy and the subcommittee staff of Larry Sidman and Larry Irving and Liz Sadove worked together with the minority staff to ensure that there would in fact be that kind of bipartisan support, including the work of Terry Haynes of the subcommittee minority who deserves that same kind of praise and public recognition because without their cooperation that kind of bipartisan consensus could not have been reached.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RINALDO asked and was given permission to revise and extend his remarks.)

Mr. RINALDO. Mr. Speaker, H.R. 2213 furthers the National policy of universal telephone service, particularly for citizens who are hearing impaired. I commend the chairman of the Telecommunications Subcommittee, the gentleman from Massachusetts [Mr. MARKEY], for his work on H.R. 2213.

Together, we have crafted bipartisan, consensus legislation that addresses a real problem in this Nation. We have accomplished it in an effective manner that takes into account the needs of the affected industries and of the public. Needless to say, this is frequently a difficult task.

The bill before us will accomplish a great deal. It will ultimately provide the hearing impaired with the same access to nearly every telephone enjoyed by the rest of the public. That is, and should be, an important public policy objective.

The testimony heard by the Telecommunications Subcommittee during our hearing on H.R. 2213 in February suggested that some kinds of telephones should be exempted from the bill's reach.

H.R. 2213 exempts many kinds of telephone services, such as land mobile and cellular radio, in which hearing aid compatibility is not now possible to achieve economically.

The bill also creates a technology exception, through which new telephone services can grow until it is possible to make them compatible with hearing aid technology in a cost-effective way. H.R. 2213 also ensures that the development of new telephone services and of new hearing aid technology will be stimulated, not stifled.

In the emerging information age, full, undiminished use of all telephones by all of our citizens will be even more important than it is today. H.R. 2213 will provide the hearing impaired with that vital access. Therefore, I urge all Members to support H.R. 2213.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MAVROULES], the chief House sponsor of this legislation.

(Mr. MAVROULES asked and was given permission to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, I want to take this opportunity to express my appreciation to my colleagues on the House Energy and Commerce Committee for providing us with the opportunity to debate the merits of H.R. 2213, the Hearing Aid Compatibility Act of 1988. Specifically, I would like to thank my good friends, Mr. MARKEY, the chairman of the Subcommittee on Telecommunications and Finance, and Mr. RINALDO, the ranking minority member, for their co-

operation in scheduling subcommittee hearings on H.R. 2213.

It is incumbent upon me to also acknowledge the tremendous amount of subcommittee staff work that has gone into the development of H.R. 2213. I would be remiss not to mention Jerry Salemme and Terry Hains who provided sage guidance during the course of subcommittee consideration, and Ross Frommer whose political acumen, dedication to the goals of H.R. 2213, and hard work produced the consensus for the compromise bill that we are debating this afternoon, along with Will Kenworthy and Debbie Merrill.

As set forth in the Communications Act of 1934, the Commission should "make available, so far as possible, to all the people of the United States . . . communication services." This is the goal of H.R. 2213—to ensure that all people of the United States, including the hearing impaired—have access to the telephone system the same as nonhearing-impaired individuals. Simply put, what we are talking about here is equality.

As you may be aware, in 1982 the Congress had the foresight to amend the Communications Act of 1934 to allow persons with impaired hearing to have reasonable access to telephone service by requiring that all essential telephones be hearing aid compatible. While the definition of essential telephones was expanded to include most telephones in public access areas and facilities, the bottom line is that any telephone becomes essential if it is the only telephone available.

Without a doubt, passage of the Telecommunications for the Disabled Act of 1982 was a tremendous step forward and those Members who supported that bill are to be commended. But more work needs to be done to ensure universal telephone access for all individuals in the United States.

At this point, I want to acknowledge briefly the commitment made by AT&T, GTE, and others to provide telephone service to the physically handicapped and hearing impaired. Without their financial commitment, backed by industry research and innovation, millions of Americans would be denied the use of the telephone—a necessity in today's society, not a luxury.

President Reagan has promoted by example the use of hearing aids. According to industry sources, almost 7 million hearing aids have been sold since 1982, representing a 50-percent increase in sales. In 1986 alone, there were over 1.25 million hearing aids sold. Clearly, this is big business when one considers that, according to the Hearing Aid Industry Association, the average cost of a hearing aid is typically \$500, including dispensing fees. Some of the more sophisticated inner ear canal hearing aids can easily cost as much as \$1,000.

Today, there are over 4 million hearing aid users in this country, approximately one half of whom use a telecoil

hearing aid. For the severely hearing impaired, an electromagnetic transmission must be created by inserting a copper telecoil in the telephone handset which electronically transmits sound to the copper coil located in the hearing aid. Without the addition of this copper coil in the telephone handset, telecoil hearing aid users cannot use those telephones that transmit audio sound.

And here I might add that the Department of Commerce and Industry agree that adding the copper coil to the handset will not result in any significant increase in the costs of telephone equipment. It gives me great pleasure, therefore, to stand up and offer you the opportunity to vote for a bill that is essentially cost-free and will enable millions of hearing impaired Americans to use the telephone. H.R. 2213 has been cosponsored by over 130 Members.

In conclusion, let me encourage my colleagues to consider the merits of H.R. 2213 and cast a favorable vote that benefits millions of Americans with no expense to the Federal Government.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MARKEY asked and was given permission to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, this is a very important bill and it is a bill which makes a lot of sense. It moves with the times. It reflects the growing consensus that we have in society that telephones and other parts of our society ought to reflect the real needs that we have to include those who are hard of hearing, those who are deaf, in the activities of our society.

Mr. Speaker, as the students and faculty at Gallaudet University helped us learn this spring, the deaf and hard of hearing are tearing down the barriers that have prevented them from becoming full and equal members of society. They are removing the obstacles erected by an insensitive and unsympathetic society. Today, this body can join these courageous individuals and discard another needless impediment to the success of the hearing impaired and guarantee that they have equal access to the U.S. telephone network.

At present, there are many times, often when it matters the most, that a hearing impaired person simply cannot use the telephone. Imagine not being able to call home from a friend's house, or use the phone in someone else's office, or even call 911 outside your own home in an emergency. Well, for many of the Nation's 4 million hearing impaired persons this is not some farfetched nightmare, it is a daily reality. In today's information and communications driven society the telephone is no longer a luxury

item, it is an essential part of our everyday lives, our link to the rest of the world and vital to our business and social success as well.

Ironically, since the deregulation of the telephone equipment industry, which promised to bring the wonders of modern telecommunications to all Americans, the percentage of telephones the hearing impaired can use has gone down significantly. H.R. 2213 will reverse this dangerous trend.

The bill amends section 710 of the Communications Act of 1934, the Telecommunications for the Disabled Act of 1982, to require that all telephones manufactured or imported 1 year after enactment be hearing-aid compatible. The legislation exempts a few specialized applications such as mobile services and phones used for national security purposes. Further, H.R. 2213 is written to ensure that it will not freeze today's technology and inhibit future innovation and development. The bill only requires that phones be compatible; it does not mandate any particular type of technology. This legislation will keep pace with the dynamic, fast-changing telecommunications and hearing aid technology.

Fortunately, it is very easy to make every telephone accessible to the hearing-impaired person. A simple, virtually costless, copper wire located in the telephone handset creates an electromagnetic field which a telecoil in a hearing aid picks up, allowing the user to hear loud and clear. Unfortunately, for the nearly 3 million telecoil hearing-aid users and the up to additional 10 million people with latent hearing impairments, a very large percentage of whom are among this country's growing elderly population, too many phones do not have this tiny wire. We simply cannot confine the hearing impaired to a world of silence. Requiring that all new phones be hearing-aid compatible will help the hearing impaired enjoy the freedom of access and safety the telephone brings.

Over the past months my subcommittee colleague, the distinguished ranking minority member, Mr. RINALDO, and I have worked with the bill's original sponsors, Senator LARRY PRESSLER and my good friend Congressman NICHOLAS MAVROULES, as well as advocates, especially David Saks of the Organization of Use of the Telephone; Cynthia Reilly of the Office of the Maryland's People's Counsel; Karen Peltz Strauss of Gallaudet University; manufacturers such as GTE, AT&T, IBM; and experts from EIA and the FCC, in an effort to construct an effective and equitable bill. I want to commend all of them for their dedication and commitment to improving the lives of the hearing impaired. I also want to thank the chairman of the full committee, Mr. DINGELL, for his cooperation in this effort and for the valuable assistance his staff has provided. Working together, we have reached consensus language which addresses the communications needs of

the hearing impaired and still affords manufacturers the flexibility they need. The Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce unanimously adopted this consensus language as an amendment in the nature of a substitute to H.R. 2213.

The Telecommunications for the Disabled Act of 1982 was a good first step in improving the hearing impaired's access to a limited number of telephones. But now the time has come to take a giant step forward. A step that will ensure that the hearing impaired are capable of using every telephone just like you and I. A step which will guarantee the hearing impaired equal access to the U.S. telephone system.

This body has often shown its commitment to a strong national policy of universal telephone service for all Americans. Today, we can again demonstrate this unwavering commitment by guaranteeing equal access of the telephone network to the hearing impaired.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. MARKEY] for his warm comments and say that it has been a pleasure working with him. He has treated the minority very fairly and we hope that that relationship will continue throughout this session because it is in the best interests of all of the people that we represent.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. RINALDO] for his remarks. I think that cooperation will be the hallmark of the time that the gentleman from New Jersey [Mr. RINALDO] and I serve together, we will have a cooperative working relationship and I think that these two bills along with some other legislation reported out recently will lay the foundation for additional legislation before the end of this year in many areas where we are mutually concerned.

Mr. Speaker, I wish also to make a proper notation of support and note the cooperation of the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce, and the ranking minority member, the gentleman from New York [Mr. LENT].

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. ECKART].

□ 1345

Mr. ECKART. Mr. Speaker, the activities of the committee with our Republican colleagues and our subcommittee chairman I think have reflected well both on the committee and on the House in this day's work. I think we have stood tall for those who often do not have a voice in this body, the children of America, those who find

themselves hearing impaired and being better able to understand and participate in the kinds of debates and entertainment and communication that this great country has to offer.

The legislation that the subcommittee and full committee have reported today which this House has deigned to accept I think reflect well and I think fills important needs.

I thank the gentleman once again.

Mr. WALGREN. Mr. Speaker, I am pleased today to support H.R. 2213, the Hearing Aid Compatibility Act of 1988. H.R. 2213 would require all telephones sold in the United States to be hearing aid compatible. I hope to see this bill passed in the interest of the 2 million people who wear hearing aids and have difficulty using the telephone. In keeping with long-established Government communications policy, this bill would hold true to our promise to make communications services available to all people of the United States. The telephone is a necessity of life, and we must insure that the hearing impaired have equal and easy access to its use.

It is difficult to imagine the inconvenience and frustration associated with the inability to use the telephone if one is not hearing impaired. Many people take their access to the telephone for granted because it is second nature to pick up a phone anywhere, any time and for any reason. The hearing impaired do not have this easy access to just any phone. Not only is it inconvenient for a hearing-impaired person to locate a compatible phone when necessary, it is frequently impossible. Furthermore, it can be dangerous in a life-threatening emergency if a compatible phone is unavailable. Current law, the Telecommunications for the Disabled Act of 1982, requires that all "essential" phones be hearing aid compatible—for example, coin telephones in any public or semipublic location, any telephone provided for emergency use in elevators and such places, and any phone needed to signal a life-threatening emergency. There are times when these essential phones may not be accessible in an emergency since an emergency can occur at any moment. This bill would not only make compatible phones more accessible for the hearing impaired, it would also insure quick access in the event of an emergency. This can save a life.

It should be noted that the cost of compatible phones to consumers is little more than that of regular phones. The only additional cost in producing each compatible phone is estimated to be 25 to 50 cents per phone. This is a small price to pay to provide 2 million people with equal access to the telephone.

The Hearing Aid Compatibility Act of 1988 is designed to benefit disabled persons by providing equal access to the telephone in a virtually cost-free manner. Equal access would eliminate discrimination against disabled persons by providing them with the same advantages enjoyed by all other telephone users. The bill exempts certain new technology like car telephones and private radio stations, which would be costly.

The telephone is indispensable in our daily lives. It is long past the time to remove yet one more obstacle standing in the way of the disabled. I hope the members of the House will join me today in supporting this bill.

Mr. SLATTERY. Mr. Speaker, as a member of the Telecommunications and Finance Subcommittee and as a cosponsor of the legislation we are considering today, I am proud to rise in support of H.R. 2213, the Hearing Aid Compatibility Act of 1988. I would like to take this opportunity to commend the chairman of the subcommittee, ED MARKEY, for the time and effort that he and his staff have devoted to bringing this bill before us today. Through a great deal of work with hearing-impaired individuals, telecommunications equipment manufacturers and representatives of the telephone industry, the subcommittee has crafted a measure that will give more hearing-impaired persons equal access to the telephone network.

This legislation will require that, in addition to essential phones, all telephones manufactured or imported for use in the United States 1 year after enactment be hearing aid compatible. A technology available since 1945, inductive coupling, has allowed many severely hearing-impaired persons to use the phone. At this time, according to the organization for the use of the telephone, approximately 25 percent contain no telecoil and are therefore not hearing aid compatible. In addition, since the deregulation of customer based telecommunications equipment, all estimates indicate that the percentage of compatible phones in service is decreasing. This is partially due to the recent large influx of lower quality, imported phones often distributed by some equipment providers.

This legislation does not call for the retrofitting of existing telephones. Certain limited classes of telephones are exempted from the compatibility requirement, such as secure Government phones, aeronautical phones and private radio service. Cordless telephones would be exempt from the bill's requirements for 3 years. I believe this bill takes a significant step forward to the goal of equal access to the telephone system for all hearing-impaired Americans and I urge my colleagues to support it.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 2213, as amended.

The question was taken.

Mr. RINALDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and this Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### PROVIDING GREATER DISCRETION TO THE SUPREME COURT IN SELECTING CASES TO REVIEW

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 952) to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

The Clerk read as follows:

S. 952

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Section 1252 of title 28, United States Code, and the item relating to that section in the section analysis of chapter 81 of such title, are repealed.

#### REVIEW OF DECISIONS INVALIDATING STATE STATUTES

SEC. 2. (a) Section 1254 of title 28, United States Code, is amended by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) The section heading for section 1254 of such title is amended by striking out "appeal;"

(c) The item relating to section 1254 in the section analysis of chapter 81 of title 28, United States Code, is amended by striking out "appeal;"

#### REVIEW OF STATE COURT DECISIONS INVOLVING VALIDITY OF STATUTES

SEC. 3. Section 1257 of title 28, United States Code, is amended to read as follows: "§ 1257. State courts; certiorari

"(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

"(b) For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals."

#### REVIEW OF DECISIONS FROM SUPREME COURT OF PUERTO RICO

SEC. 4. Section 1258 of title 28, United States Code, is amended to read as follows: "§ 1258. Supreme Court of Puerto Rico; certiorari

"Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the Commonwealth of Puerto Rico is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

#### CONFORMING AMENDMENTS

SEC. 5. (a) The items relating to sections 1257 and 1258 in the section analysis of chapter 81 of title 28, United States Code, are amended to read as follows:

"1257. State courts; certiorari.

"1258. Supreme Court of Puerto Rico; certiorari."

(b) Section 2101(a) of title 28, United States Code, is amended by striking out "sections 1252, 1253 and 2282" and inserting in lieu thereof "section 1253".

(c) Section 2103 of title 28, United States Code, and the item relating to such section in the table of sections for chapter 133 of such title are repealed.

(d)(1) Section 2104 of title 28, United States Code, is amended to read as follows:

"§ 2104. Reviews of State court decisions

"A review by the Supreme Court of a judgment or decree of a State court shall be conducted in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree reviewed had been rendered in a court of the United States."

(2) The item relating to section 2104 in the section analysis of chapter 133 of title 28, United States Code, is amended to read as follows:

"2104. Reviews of State court decisions."

(e) Section 2350(b) of title 28, United States Code, is amended by striking out "1254(3)" and inserting in lieu thereof "1254(2)".

#### AMENDMENTS TO OTHER LAWS

SEC. 6. (a) Section 310 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437h) is amended by repealing subsection (b), and by striking out "(a)" before "The Commission".

(b) Section 2 of the Act of May 18, 1928 (25 U.S.C. 652), is amended by striking out "with the right of either party to appeal to the United States Court of Appeals for the Federal Circuit".

(c) The last sentence of section 203(d) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652(d)) is amended to read as follows: "An interlocutory or final judgment, decree, or order of such district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States."

(d) Section 209(e)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(e)(3)) is amended—

(1) in the first sentence by striking out "except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence by striking out "petition or appeal shall be filed" and inserting in lieu thereof "such petition shall be filed in the Supreme Court".

(e) Section 303(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(d)) is amended to read as follows:

"(d) REVIEW.—A finding or determination entered by the special court pursuant to subsection (c) of this section or section 308 of this title shall be reviewable only upon petition for a writ of certiorari to the Supreme Court of the United States. Such review is exclusive and any such petition shall be filed in the Supreme Court not more than 20 days after entry of such finding or determination."

(f) Section 1152(b) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1105(b)) is amended—

(1) in the first sentence by striking out "except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence by striking out "petition or appeal shall be filed" and inserting in lieu thereof "such petition shall be filed in the Supreme Court".

(g) Section 208 of the International Claims Settlement Act of 1949 (22 U.S.C. 1631e) is amended by striking out "sections

I would also like to single out the National PTA and their legislative director, Millie Waterman, for the outstanding work they have done in helping to bring this bill to fruition. Made good on parents' responsibility to protect their children from exploitation at the hands of TV.

Television plays an enormous role in the education and formation of children. Pre-schoolers watch more than 28 hours of television per week. That is more than 4 hours each day. A child watches on average between 15,000 and 20,000 hours of television by the time he or she has graduated from high school. That amounts to approximately 350,000 commercial messages.

Since the 1984 deregulation of children's television by the FCC, the Federal Government has abdicated its considerable responsibility for protecting children in this vital area. The FCC that once called television as nothing more than "toasters with pictures" can no longer be trusted to fulfill its obligations to the American public. We are now taking a first step toward fulfilling that responsibility once again.

The bill we are enacting today is a modest version of our original effort. It is one that we have been able to reach consensus on and represents an important step. The commercial guidelines will restrict commercials to levels comparable to pre-1984 levels.

Perhaps more importantly, the bill will require the FCC once again to consider a licensee's service to children as part of its general obligation to "serve the public interest." That such a responsibility was ever left to the vagaries of marketplace forces is nothing short of incredible.

I and my colleagues will be keeping a close eye on the current FCC proceeding for signs of progress in restoring other guidelines that we do not address today. What, if anything, is done about the problem of so-called program-length commercials will be of particular interest. If the FCC drops the ball again, if program-length commercials like "He-Man," "G.I. Joe," and "Transformers" continue to proliferate, I believe Congress will have to take up this issue once again.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 3966.

This legislation would not be necessary if the Federal Communications Commission had not abdicated its responsibility for regulating children's television in 1984.

Before that year, the Commission had been building a record that recognized children's unique needs and vulnerability to commercial pitches. As far back as 1960, the FCC regarded children as a group whose programming needs were required to be met by television licensees in order to meet the stations' public interest responsibilities. In 1974, the Commission ruled that broadcasters had a special obligation to serve children as a substantial and important community group.

But in 1984, the FCC abruptly reversed its previous policies, deciding that marketplace forces would adequately restrain the commercial contents of children's programming. The Commission dropped commercial guidelines for children's television and ended the requirement that broadcasters determine the broadcasting needs of their local communities.

The FCC's 1984 decision was pure ideology and flew in the face not only of previous policy but also of common sense. In response to a lawsuit challenging the FCC decision, a

Federal Appeals Court ruled in 1987 that the Commission had "offered neither facts nor analysis" to support a reversal of its earlier policy. The court ordered the Commission to reconsider its action.

Today's compromise bill represents a small but necessary step back toward 1984. It is particularly crucial in light of the following facts:

Between the ages of 2 and 12, American children watch an average of 25 hours of television each week.

By the time the average child finishes high school, he or she has spent more hours watching television than in the classroom.

Before a child is 18, he or she has seen 200,000 television commercials.

H.R. 3966 would reimpose moderate limits on the number of minutes of commercials per hour of children's programming. It would allow 1 of every 5 minutes of children's weekday programming to be taken up by commercials. On weekdays, children's programming would be limited to 10½ minutes of commercials per hour, compared to the pre-1984 limit of 9½ minutes per hour. Perhaps more significantly, the bill would require the FCC, in reviewing station licenses, to determine whether the licensee has served the educational and informational needs of children in its overall programming.

H.R. 3966 enjoys bipartisan support and is not opposed by the broadcasting industry. In 1984, the FCC abdicated its responsibility to children. It is past time that Congress responded.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 3966, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 3966, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### HEARING AID COMPATIBILITY ACT OF 1988

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2213) to require certain tele-

phones to be hearing aid compatible, as amended.

The Clerk read as follows:

H.R. 2213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Aid Compatibility Act of 1988".

#### SEC. 2. FINDINGS.

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.

#### SEC. 3. AMENDMENTS.

(a) HEARING AID COMPATIBILITY REQUIREMENTS.—Subsection (b) of section 710 of the Communications Act of 1934 (47 U.S.C. 610(b)) 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), or imported for use in the United States, more than one year after the date of enactment of the Hearing Aid Compatibility Act of 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) 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—

"(A) telephones used with public mobile services;

"(B) telephones used with private radio services;

"(C) cordless telephones; and

"(D) secure telephones.

The exemption provided by such regulations to cordless telephones shall not apply with respect to cordless telephones manufactured or imported more than 3 years after the date of enactment of the Hearing Aid Compatibility Act of 1988.

"(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 terminal equipment 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 technology or service is 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 technology or service to such an extent that the 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."

(b) CONFORMING AMENDMENT.—Section 710(f) of the Communications Act of 1934 is amended by striking out the second sentence and inserting the following: "The Commission shall complete rulemaking actions required to implement the amendments made by the Hearing Aid Compatibility Act of 1988 within 9 months after the date of enactment of such Act. Thereafter, the Commission shall periodically review the regulations established pursuant to this section."

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the students and faculty at Gallaudet University helped us to learn this spring, the deaf and hard of hearing are tearing down the barriers that have prevented them from becoming full and equal members of society. They have removed the obstacles erected by an insensitive and unsympathetic society.

Today this body can join these courageous individuals and discard another needless impediment to the success of the hearing impaired and guarantee that they have equal access to the U.S. telephone network.

At present there are many times, often when it matters the most, that a hearing impaired person simply cannot use the telephone. Imagine not being able to call home from a friend's house or use the phone in someone else's office or even to call 911 outside your own home in an emergency.

For many of the Nation's 4 million hearing impaired persons, this is not some far-fetched nightmare. It is a daily reality. In today's information and communication driven society, the telephone is no longer a luxury item. It is an essential part of our everyday lives, our link to the rest of the world, and vital to our business and social success as well.

Ironically, since the de-regulation of the telephone equipment industry, which promised to bring the wonders of modern telecommunications to all Americans, the percentage of telephones the hearing impaired can use has gone down significantly.

H.R. 2213 will reverse this dangerous trend. The bill amends section 710 of the Communications Act of 1934 and the Telecommunications for the Disabled Act of 1982, to require that all telephones manufactured or imported 1 year after enactment of this act be hearing aid compatible.

The legislation exempts a few specialized applications, such as mobile services and phones used for national security purposes.

Further, H.R. 2213 is written to insure that it will not freeze today's technology and inhibit future innovation and development.

The bill only requires that phones be compatible. It does not mandate any particular type of technology.

This legislation will keep pace with the dynamic fast-changing telecommunications and hearing aid technology.

Fortunately, it is very easy to make every telephone accessible to the hearing impaired person. A simple virtually costless copper wire located in the telephone hand set creates an electromagnetic field which a telecoil in a hearing aid picks up, allowing the users to hear loud and clear.

Unfortunately for the nearly 2 million telecoil hearing aid users and the up to an additional 10 million people with latent hearing impairments, a very large percentage of whom among this country's growing elderly population, too many phones do not have this tiny wire.

We simply cannot confine the hearing impaired to a world of silence. Requiring that all new phones be hearing aid compatible will help the hearing impaired enjoy the freedom of access and safety that the telephone brings.

Over the past months, the subcommittee working with my distinguished ranking minority member, the gentleman from New Jersey [Mr. RINALDO] and I have worked with the bill's original sponsor, Senator LARRY PRESSLER, and my good friend, the gentleman from Massachusetts [Mr. MAVROULES], as well as advocates, especially David Saks of the Organization of Use of the Telephone, Cynthia Reilly of the Office of the Maryland's People's Counsel, Karen Peltz Strauss of Gallaudet University, manufacturers such as GTE, AT&T, IBM, and experts from the EIA and the FCC, in an

effort to construct an effective and equitable bill. I want to commend all of them for their dedication and commitment to improving the lives of the hearing impaired.

I also want to thank the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], for his cooperation in this effort and for the valuable assistance his staff has provided.

I would also like to note that my staff, Mr. Sidman, Mr. Frommer, and Mr. Salemme, working with Mark MacCarthy of the full committee have worked intensively over a very short period of time in order to produce this piece of legislation, working with the subcommittee staff in an effort to produce a bipartisan piece of legislation.

Working together, we have reached consensus language which addresses the communication needs of the hearing impaired and still affords manufacturers the flexibility which they need.

□ 1330

The Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce unanimously adopted this consensus language as an amendment in the nature of a substitute to H.R. 2213. The Telecommunications for the Disabled Act of 1982 was a good first step in improving the hearing impaired's access to a limited number of telephones but now it is time to take a giant step further, a step that will ensure that the hearing impaired are capable of using every telephone like we all do, a step which will guarantee the hearing impaired equal access to the U.S. telephone system.

This body has often shown its commitment to a strong national policy of universal telephone service for all Americans. Today we can again demonstrate this unwavering commitment by guaranteeing equal access of the telephone network to the hearing impaired.

Mr. Speaker, I would also like to note, although I did not do this at the appropriate time in the last legislation, note that the children's bill was also a product of that same kind of cooperation and there again the full committee staff led by Mark McCarthy and the subcommittee staff of Larry Sidman and Larry Irving and Liz Sadove worked together with the minority staff to ensure that there would in fact be that kind of bipartisan support, including the work of Terry Haynes of the subcommittee minority who deserves that same kind of praise and public recognition because without their cooperation that kind of bipartisan consensus could not have been reached.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RINALDO asked and was given permission to revise and extend his remarks.)

Mr. RINALDO. Mr. Speaker, H.R. 2213 furthers the National policy of universal telephone service, particularly for citizens who are hearing impaired. I commend the chairman of the Telecommunications Subcommittee, the gentleman from Massachusetts [Mr. MARKEY], for his work on H.R. 2213.

Together, we have crafted bipartisan, consensus legislation that addresses a real problem in this Nation. We have accomplished it in an effective manner that takes into account the needs of the affected industries and of the public. Needless to say, this is frequently a difficult task.

The bill before us will accomplish a great deal. It will ultimately provide the hearing impaired with the same access to nearly every telephone enjoyed by the rest of the public. That is, and should be, an important public policy objective.

The testimony heard by the Telecommunications Subcommittee during our hearing on H.R. 2213 in February suggested that some kinds of telephones should be exempted from the bill's reach.

H.R. 2213 exempts many kinds of telephone services, such as land mobile and cellular radio, in which hearing aid compatibility is not now possible to achieve economically.

The bill also creates a technology exception, through which new telephone services can grow until it is possible to make them compatible with hearing aid technology in a cost-effective way. H.R. 2213 also ensures that the development of new telephone services and of new hearing aid technology will be stimulated, not stifled.

In the emerging information age, full, undiminished use of all telephones by all of our citizens will be even more important than it is today. H.R. 2213 will provide the hearing impaired with that vital access. Therefore, I urge all Members to support H.R. 2213.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. MAVROULES], the chief House sponsor of this legislation.

(Mr. MAVROULES asked and was given permission to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, I want to take this opportunity to express my appreciation to my colleagues on the House Energy and Commerce Committee for providing us with the opportunity to debate the merits of H.R. 2213, the Hearing Aid Compatibility Act of 1988. Specifically, I would like to thank my good friends, Mr. MARKEY, the chairman of the Subcommittee on Telecommunications and Finance, and Mr. RINALDO, the ranking minority member, for their co-

operation in scheduling subcommittee hearings on H.R. 2213.

It is incumbent upon me to also acknowledge the tremendous amount of subcommittee staff work that has gone into the development of H.R. 2213. I would be remiss not to mention Jerry Saielemme and Terry Hains who provided sage guidance during the course of subcommittee consideration, and Ross Frommer whose political acumen, dedication to the goals of H.R. 2213, and hard work produced the consensus for the compromise bill that we are debating this afternoon, along with Will Kenworthy and Debbie Merrill.

As set forth in the Communications Act of 1934, the Commission should "make available, so far as possible, to all the people of the United States . . . communication services." This is the goal of H.R. 2213—to ensure that all people of the United States, including the hearing impaired—have access to the telephone system the same as nonhearing-impaired individuals. Simply put, what we are talking about here is equality.

As you may be aware, in 1982 the Congress had the foresight to amend the Communications Act of 1934 to allow persons with impaired hearing to have reasonable access to telephone service by requiring that all essential telephones be hearing aid compatible. While the definition of essential telephones was expanded to include most telephones in public access areas and facilities, the bottom line is that any telephone becomes essential if it is the only telephone available.

Without a doubt, passage of the Telecommunications for the Disabled Act of 1982 was a tremendous step forward and those Members who supported that bill are to be commended. But more work needs to be done to ensure universal telephone access for all individuals in the United States.

At this point, I want to acknowledge briefly the commitment made by AT&T, GTE, and others to provide telephone service to the physically handicapped and hearing impaired. Without their financial commitment, backed by industry research and innovation, millions of Americans would be denied the use of the telephone—a necessity in today's society, not a luxury.

President Reagan has promoted by example the use of hearing aids. According to industry sources, almost 7 million hearing aids have been sold since 1982, representing a 50-percent increase in sales. In 1986 alone, there were over 1.25 million hearing aids sold. Clearly, this is big business when one considers that, according to the Hearing Aid Industry Association, the average cost of a hearing aid is typically \$500, including dispensing fees. Some of the more sophisticated inner ear canal hearing aids can easily cost as much as \$1,000.

Today, there are over 4 million hearing aid users in this country, approximately one half of whom use a telecoil

hearing aid. For the severely hearing impaired, an electromagnetic transmission must be created by inserting a copper telecoil in the telephone handset which electronically transmits sound to the copper coil located in the hearing aid. Without the addition of this copper coil in the telephone handset, telecoil hearing aid users cannot use those telephones that transmit audio sound.

And here I might add that the Department of Commerce and Industry agree that adding the copper coil to the handset will not result in any significant increase in the costs of telephone equipment. It gives me great pleasure, therefore, to stand up and offer you the opportunity to vote for a bill that is essentially cost-free and will enable millions of hearing impaired Americans to use the telephone. H.R. 2213 has been cosponsored by over 130 Members.

In conclusion, let me encourage my colleagues to consider the merits of H.R. 2213 and cast a favorable vote that benefits millions of Americans with no expense to the Federal Government.

Mr. RINALDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MARKEY asked and was given permission to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, this is a very important bill and it is a bill which makes a lot of sense. It moves with the times. It reflects the growing consensus that we have in society that telephones and other parts of our society ought to reflect the real needs that we have to include those who are hard of hearing, those who are deaf, in the activities of our society.

Mr. Speaker, as the students and faculty at Gallaudet University helped us learn this spring, the deaf and hard of hearing are tearing down the barriers that have prevented them from becoming full and equal members of society. They are removing the obstacles erected by an insensitive and unsympathetic society. Today, this body can join these courageous individuals and discard another needless impediment to the success of the hearing impaired and guarantee that they have equal access to the U.S. telephone network.

At present, there are many times, often when it matters the most, that a hearing impaired person simply cannot use the telephone. Imagine not being able to call home from a friend's house, or use the phone in someone else's office, or even call 911 outside your own home in an emergency. Well, for many of the Nation's 4 million hearing impaired persons this is not some farfetched nightmare, it is a daily reality. In today's information and communications driven society the telephone is no longer a luxury



Item, it is an essential part of our everyday lives, our link to the rest of the world and vital to our business and social success as well.

Ironically, since the deregulation of the telephone equipment industry, which promised to bring the wonders of modern telecommunications to all Americans, the percentage of telephones the hearing impaired can use has gone down significantly. H.R. 2213 will reverse this dangerous trend.

The bill amends section 710 of the Communications Act of 1934, the Telecommunications Act for the Disabled Act of 1982, to require that all telephones manufactured or imported 1 year after enactment be hearing-aid compatible. The legislation exempts a few specialized applications such as mobile services and phones used for national security purposes. Further, H.R. 2213 is written to ensure that it will not freeze today's technology and inhibit future innovation and development. The bill only requires that phones be compatible; it does not mandate any particular type of technology. This legislation will keep pace with the dynamic, fast-changing telecommunications and hearing aid technology.

Fortunately, it is very easy to make every telephone accessible to the hearing-impaired person. A simple, virtually costless, copper wire located in the telephone handset creates an electromagnetic field which a telecoil in a hearing aid picks up, allowing the user to hear loud and clear. Unfortunately, for the nearly 3 million telecoil hearing-aid users and the up to additional 10 million people with latent hearing impairments, a very large percentage of whom are among this country's growing elderly population, too many phones do not have this tiny wire. We simply cannot confine the hearing impaired to a world of silence. Requiring that all new phones be hearing-aid compatible will help the hearing impaired enjoy the freedom of access and safety the telephone brings.

Over the past months my subcommittee colleague, the distinguished ranking minority member, Mr. RINALDO, and I have worked with the bill's original sponsors, Senator LARRY PRESSLER and my good friend Congressman NICHOLAS MAVROULES, as well as advocates, especially David Saks of the Organization of Use of the Telephone; Cynthia Reilly of the Office of the Maryland's People's Counsel; Karen Peltz Strauss of Gallaudet University; manufacturers such as GTE, AT&T, IBM; and experts from EIA and the FCC, in an effort to construct an effective and equitable bill. I want to commend all of them for their dedication and commitment to improving the lives of the hearing impaired. I also want to thank the chairman of the full committee, Mr. DINGELL, for his cooperation in this effort and for the valuable assistance his staff has provided. Working together, we have reached consensus language which addresses the communications needs of

the hearing impaired and still affords manufacturers the flexibility they need. The Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce unanimously adopted this consensus language as an amendment in the nature of a substitute to H.R. 2213.

The Telecommunications for the Disabled Act of 1982 was a good first step in improving the hearing impaired's access to a limited number of telephones. But now the time has come to take a giant step forward. A step that will ensure that the hearing impaired are capable of using every telephone just like you and I. A step which will guarantee the hearing impaired equal access to the U.S. telephone system.

This body has often shown its commitment to a strong national policy of universal telephone service for all Americans. Today, we can again demonstrate this unwavering commitment by guaranteeing equal access of the telephone network to the hearing impaired.

Mr. RINALDO. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. MARKEY] for his warm comments and say that it has been a pleasure working with him. He has treated the minority very fairly and we hope that that relationship will continue throughout this session because it is in the best interests of all of the people that we represent.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. RINALDO] for his remarks. I think that cooperation will be the hallmark of the time that the gentleman from New Jersey [Mr. RINALDO] and I serve together, we will have a cooperative working relationship and I think that these two bills along with some other legislation reported out recently will lay the foundation for additional legislation before the end of this year in many areas where we are mutually concerned.

Mr. Speaker, I wish also to make a proper notation of support and note the cooperation of the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce, and the ranking minority member, the gentleman from New York [Mr. LEWT].

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. ECKART].

□ 1345

Mr. ECKART. Mr. Speaker, the activities of the committee with our Republican colleagues and our subcommittee chairman I think have reflected well both on the committee and on the House in this day's work. I think we have stood tall for those who often do not have a voice in this body, the children of America, those who find

themselves hearing impaired and being better able to understand and participate in the kinds of debates and entertainment and communication that this great country has to offer.

The legislation that the subcommittee and full committee have reported today which this House has deigned to accept I think reflect well and I think fills important needs.

I thank the gentleman once again.

Mr. WALGREN. Mr. Speaker, I am pleased today to support H.R. 2213, the Hearing Aid Compatibility Act of 1988. H.R. 2213 would require all telephones sold in the United States to be hearing aid compatible. I hope to see this bill passed in the interest of the 2 million people who wear hearing aids and have difficulty using the telephone. In keeping with long-established Government communications policy, this bill would hold true to our promise to make communications services available to all people of the United States. The telephone is a necessity of life, and we must insure that the hearing impaired have equal and easy access to its use.

It is difficult to imagine the inconvenience and frustration associated with the inability to use the telephone if one is not hearing impaired. Many people take their access to the telephone for granted because it is second nature to pick up a phone anywhere, any time and for any reason. The hearing impaired do not have this easy access to just any phone. Not only is it inconvenient for a hearing-impaired person to locate a compatible phone when necessary, it is frequently impossible. Furthermore, it can be dangerous in a life-threatening emergency if a compatible phone is unavailable. Current law, the Telecommunications for the Disabled Act of 1982, requires that all "essential" phones be hearing aid compatible—for example, coin telephones in any public or semipublic location, any telephone provided for emergency use in elevators and such places, and any phone needed to signal a life-threatening emergency. There are times when these essential phones may not be accessible in an emergency since an emergency can occur at any moment. This bill would not only make compatible phones more accessible for the hearing impaired, it would also insure quick access in the event of an emergency. This can save a life.

It should be noted that the cost of compatible phones to consumers is little more than that of regular phones. The only additional cost in producing each compatible phone is estimated to be 25 to 50 cents per phone. This is a small price to pay to provide 2 million people with equal access to the telephone.

The Hearing Aid Compatibility Act of 1988 is designed to benefit disabled persons by providing equal access to the telephone in a virtually cost-free manner. Equal access would eliminate discrimination against disabled persons by providing them with the same advantages enjoyed by all other telephone users. The bill exempts certain new technology like car telephones and private radio stations, which would be costly.

The telephone is indispensable in our daily lives. It is long past the time to remove yet one more obstacle standing in the way of the disabled. I hope the members of the House will join me today in supporting this bill.

Mr. SLATTERY. Mr. Speaker, as a member of the Telecommunications and Finance Subcommittee and as a cosponsor of the legislation we are considering today, I am proud to rise in support of H.R. 2213, the Hearing Aid Compatibility Act of 1988. I would like to take this opportunity to commend the chairman of the subcommittee, Ed MARKEY, for the time and effort that he and his staff have devoted to bringing this bill before us today. Through a great deal of work with hearing-impaired individuals, telecommunications equipment manufacturers and representatives of the telephone industry, the subcommittee has crafted a measure that will give more hearing-impaired persons equal access to the telephone network.

This legislation will require that, in addition to essential phones, all telephones manufactured or imported for use in the United States 1 year after enactment be hearing aid compatible. A technology available since 1945, inductive coupling, has allowed many severely hearing-impaired persons to use the phone. At this time, according to the organization for the use of the telephone, approximately 25 percent contain no telecoil and are therefore not hearing aid compatible. In addition, since the deregulation of customer based telecommunications equipment, all estimates indicate that the percentage of compatible phones in service is decreasing. This is partially due to the recent large influx of lower quality, imported phones often distributed by some equipment providers.

This legislation does not call for the retrofitting of existing telephones. Certain limited classes of telephones are exempted from the compatibility requirement, such as secure Government phones, aeronautical phones and private radio service. Cordless telephones would be exempt from the bill's requirements for 3 years. I believe this bill takes a significant step forward to the goal of equal access to the telephone system for all hearing-impaired Americans and I urge my colleagues to support it.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 2213, as amended.

The question was taken.

Mr. RINALDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and this Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### PROVIDING GREATER DISCRETION TO THE SUPREME COURT IN SELECTING CASES TO REVIEW

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 952) to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

The Clerk read as follows:

S. 952

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. Section 1252 of title 28, United States Code, and the item relating to that section in the section analysis of chapter 81 of such title, are repealed.

#### REVIEW OF DECISIONS INVALIDATING STATE STATUTES

SEC. 2. (a) Section 1254 of title 28, United States Code, is amended by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) The section heading for section 1254 of such title is amended by striking out "appeal";

(c) The item relating to section 1254 in the section analysis of chapter 81 of title 28, United States Code, is amended by striking out "appeal";

#### REVIEW OF STATE COURT DECISIONS INVOLVING VALIDITY OF STATUTES

SEC. 3. Section 1257 of title 28, United States Code, is amended to read as follows:

"§ 1257. State courts; certiorari

"(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

"(b) For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals."

#### REVIEW OF DECISIONS FROM SUPREME COURT OF PUERTO RICO

SEC. 4. Section 1258 of title 28, United States Code, is amended to read as follows:

"§ 1258. Supreme Court of Puerto Rico; certiorari

"Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the Commonwealth of Puerto Rico is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

#### CONFORMING AMENDMENTS

SEC. 5. (a) The items relating to sections 1257 and 1258 in the section analysis of chapter 81 of title 28, United States Code, are amended to read as follows:

"1257. State courts; certiorari.

"1258. Supreme Court of Puerto Rico; certiorari."

(b) Section 2101(a) of title 28, United States Code, is amended by striking out "sections 1252, 1253 and 2282" and inserting in lieu thereof "section 1253".

(c) Section 2103 of title 28, United States Code, and the item relating to such section in the table of sections for chapter 133 of such title are repealed.

(d)(1) Section 2104 of title 28, United States Code, is amended to read as follows:

"§ 2104. Reviews of State court decisions

"A review by the Supreme Court of a judgment or decree of a State court shall be conducted in the same manner and under the same regulations, and shall have the same effect, as if the judgment or decree reviewed had been rendered in a court of the United States."

(2) The item relating to section 2104 in the section analysis of chapter 133 of title 28, United States Code, is amended to read as follows:

"2104. Reviews of State court decisions."

(e) Section 2350(b) of title 28, United States Code, is amended by striking out "1254(3)" and inserting in lieu thereof "1254(2)".

#### AMENDMENTS TO OTHER LAWS

SEC. 6. (a) Section 310 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437h) is amended by repealing subsection (b), and by striking out "(a)" before "The Commission".

(b) Section 2 of the Act of May 18, 1928 (25 U.S.C. 652), is amended by striking out ", with the right of either party to appeal to the United States Court of Appeals for the Federal Circuit".

(c) The last sentence of section 203(d) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652(d)) is amended to read as follows: "An interlocutory or final judgment, decree, or order of such district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States."

(d) Section 209(e)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(e)(3)) is amended—

(1) in the first sentence by striking out ", except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence by striking out "petition or appeal shall be filed" and inserting in lieu thereof "such petition shall be filed in the Supreme Court".

(e) Section 303(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(d)) is amended to read as follows:

"(d) REVIEW.—A finding or determination entered by the special court pursuant to subsection (c) of this section or section 306 of this title shall be reviewable only upon petition for a writ of certiorari to the Supreme Court of the United States. Such review is exclusive and any such petition shall be filed in the Supreme Court not more than 20 days after entry of such finding or determination."

(f) Section 1152(b) of the Omnibus Budget Reconciliation Act of 1981 (45 U.S.C. 1105(b)) is amended—

(1) in the first sentence by striking out ", except that" and all that follows through the end of the sentence and inserting in lieu thereof a period; and

(2) in the second sentence by striking out "petition or appeal shall be filed" and inserting in lieu thereof "such petition shall be filed in the Supreme Court".

(g) Section 206 of the International Claims Settlement Act of 1949 (22 U.S.C. 1631e) is amended by striking out "sections