TITLE IV—TELECOMMUNICATIONS

SEC. 401. TELECOMMUNICATIONS RELAY SERVICES FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS.

(a) Telecommunications.—Title II of the Communications Act of 1994 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 225. TELECOMMUNICATIONS SERVICES FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS.

"(a) Definitions.—As used in this section—

"(1) Common carrier or carrier.—The term 'common carrier' or 'carrier' includes any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 22(b).

"(2) TDD.—The term 'TDD' means a Telecommunications Device for the Deaf, which is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system.

"(3) Telecommunications relay services.—The term 'telecommunications relay services' means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device.

"(b) Availability of Telecommunications Relay Services.—

"(1) In General.—In order to carry out the purposes established under section 1, to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.

"(2) Use of General Authority and Remedies.—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to common carriers engaged in intrastate communication as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier engaged in interstate communication. Any violation of this section by any common carrier engaged in intrastate communication shall be subject to the same remedies, penalties, and procedures as are applicable to a violation of this Act by a common carrier engaged in interstate communication.

"(c) Provision of Services.—Each common carrier providing telephone voice transmission services shall, not later than 3 years after the date of enactment of this section, provide in compliance with the regulations prescribed by the Commission, through either that which it offers separately or in concert with other carriers, a telecommunications relay service for any such call. The Commission may establish rules prescribing the nature and extent of such service and the manner in which it is to be provided."

"(d) Regulations.—

"(1) In General.—The Commission shall prepare regulations to carry out the purposes of this section that—

"(A) establish the details and conditions of the operation of telecommunications relay services;

"(B) establish a means for carrying out such services;

"(C) require the operators to provide such service every day;

"(D) require the operators of telecommunications relay services to pay the cost of relay services on a reasonably equivalent basis to such factor, as determined by the Commission, and the determination shall be subject to review by the Commission; and

"(E) prohibit the operators from charging any fee for the relay services or any other joint service or the length of any call with a relay service.

"(2) Technology.—The Commission shall, and in order to carry out the purposes of this section, the Commission shall, establish in consultation with telecommunications relay service providers, regulations governing the adoption of telecommunication relay service technology and the provision of improved telecommunications relay service technology.

"(3) Jurisdiction.—

"(A) In general.—This section applies to the District of Columbia and to each of the States.

"(B) Reciprocity.—In order to promote uniformity and facilitate the provision of relay services, the Commission shall issue regulations to provide that ..."
regulations prescribed under this section, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers. A common carrier shall be considered to be in compliance with such regulations—

“(1) with respect to intrastate telecommunications relay services in any State that does not have a certified program under subsection (f) and with respect to interstate telecommunications relay services, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the Commission’s regulations under subsection (d); or

“(2) with respect to intrastate telecommunications relay services in any State that has a certified program under subsection (f) for such State, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the program certified under subsection (f) for such State.

“(d) Regulations.—

“(1) In general.—The Commission shall, not later than 1 year after the date of enactment of this section, prescribe regulations to implement this section, including regulations that—

“(A) establish functional requirements, guidelines, and operations procedures for telecommunications relay services;

“(B) establish minimum standards that shall be met in carrying out subsection (c);

“(C) require that telecommunications relay services operate every day for 24 hours per day;

“(D) require that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to point of termination;

“(E) prohibit relay operators from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use telecommunications relay services;

“(F) prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of the call; and

“(G) prohibit relay operators from intentionally altering a relayed conversation.

“(2) Technology.—The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 7(a) of this Act, the use of existing technology and do not discourage or impair the development of improved technology.

“(3) Jurisdictional Separation of Costs.—

“(A) In general.—Consistent with the provisions of section 410 of this Act, the Commission shall prescribe regulations governing the jurisdictional separation of costs for the services provided pursuant to this section.

“(B) Recovering costs.—Such regulations shall generally provide that costs caused by interstate telecommunications
relay services shall be recovered from all subscribers for every interstate service and costs caused by intrastate telecommunications relay services shall be recovered from the intrastate jurisdiction. In a State that has a certified program under subsection (f), a State commission shall permit a common carrier to recover the costs incurred in providing intrastate telecommunications relay services by a method consistent with the requirements of this section.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—Subject to subsections (f) and (g), the Commission shall enforce this section.

"(2) COMPLAINT.—The Commission shall resolve, by final order, a complaint alleging a violation of this section within 180 days after the date such complaint is filed.

"(f) CERTIFICATION.—

"(1) STATE DOCUMENTATION.—Any State desiring to establish a State program under this section shall submit documentation to the Commission that describes the program of such State for implementing intrastate telecommunications relay services and the procedures and remedies available for enforcing any requirements imposed by the State program.

"(2) REQUIREMENTS FOR CERTIFICATION.—After review of such documentation, the Commission shall certify the State program if the Commission determines that—

"(A) the program makes available to hearing-impaired and speech-impaired individuals, either directly, through designees, through a competitively selected vendor, or through regulation of intrastate common carriers, intrastate telecommunications relay services in such State in a manner that meets or exceeds the requirements of regulations prescribed by the Commission under subsection (d); and

"(B) the program makes available adequate procedures and remedies for enforcing the requirements of the State program.

"(3) METHOD OF FUNDING.—Except as provided in subsection (d), the Commission shall not refuse to certify a State program based solely on the method such State will implement for funding intrastate telecommunication relay services.

"(4) SUSPENSION OR REVOCATION OF CERTIFICATION.—The Commission may suspend or revoke such certification if, after notice and opportunity for hearing, the Commission determines that such certification is no longer warranted. In a State whose program has been suspended or revoked, the Commission shall take such steps as may be necessary, consistent with this section, to ensure continuity of telecommunications relay services.

"(g) COMPLAINT.—

"(1) REFERRAL OF COMPLAINT.—If a complaint to the Commission alleges a violation of this section with respect to intrastate telecommunications relay services within a State and certification of the program of such State under subsection (f) is in effect, the Commission shall refer such complaint to such State.

"(2) JURISDICTION OF COMMISSION.—After referring a complaint to a State under paragraph (1), the Commission shall exercise jurisdiction over such complaint only if—

"(A) final action under such State program has not been taken on such complaint by such State—

SEC. 402. CLOSED-CABINET TELECOM RELAY SERVICES

Section 711 of the Communications Act of 1934 is amended as follows:

"SEC. 711. CLOSED-CABINET TELECOM RELAY SERVICES.

"Any television program funded in whole or in part by the Federal Government shall include the content of such a program in the program that the Federal Government funds, such as to make it comprehensible and accessible to individuals who are deaf and hard of hearing.

"(1) shall not make any such announcement more than once every 2 hours;

"(2) shall not require a race or other segment without the consent of the person or entity by whom the segment is intended to serve;

"(3) shall not include the telephone number of a federal government agency;

"(4) shall not include the telephone number of a national service for the deaf;

"(5) shall not include the telephone number of a national service for the deaf;

"(6) shall include a description of the program and the availability of the program in a format that is comprehensible and accessible to individuals who are deaf and hard of hearing;

"(7) shall be available in a format that is comprehensible and accessible to individuals who are deaf and hard of hearing;

"(8) shall include the telephone number of a federal government agency;

"(9) shall include the telephone number of a national service for the deaf;

"(10) shall include the telephone number of a national service for the deaf;

"(11) shall include a description of the program and the availability of the program in a format that is comprehensible and accessible to individuals who are deaf and hard of hearing;

"(12) shall be available in a format that is comprehensible and accessible to individuals who are deaf and hard of hearing;

"(13) shall include the telephone number of a federal government agency;

"(14) shall include the telephone number of a national service for the deaf;

"(15) shall include the telephone number of a national service for the deaf;
“(i) within 180 days after the complaint is filed with such State; or
“(ii) within a shorter period as prescribed by the regulations of such State; or
“(B) the Commission determines that such State program is no longer qualified for certification under subsection (f).”

(b) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(1) in section 2 (b) (47 U.S.C. 152(b)), by striking “section 224” and inserting “sections 224 and 225”; and
(2) in section 221(b) (47 U.S.C. 221(b)), by striking “section 301” and inserting “sections 225 and 301”.

SEC. 402. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS.

Section 711 of the Communications Act of 1934 is amended to read as follows:

“SEC. 711. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS.

“Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of Federal Government shall include closed captioning of the verbal content of such announcement. A television broadcast station licensee—

“(1) shall not be required to supply closed captioning for any such announcement that fails to include it; and
“(2) shall not be liable for broadcasting any such announcement without transmitting a closed caption unless the licensee intentionally fails to transmit the closed caption that was included with the announcement.”

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. CONSTRUCTION.

(a) IN GENERAL.—Except as otherwise provided in this Act, nothing in this Act shall be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.) or the regulations issued by Federal agencies pursuant to such title.

(b) RELATIONSHIP TO OTHER LAWS.—Nothing in this Act shall be construed to invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this Act. Nothing in this Act shall be construed to preclude the prohibition of, or the imposition of restrictions on, smoking in places of employment covered by title I, in transportation covered by title II or III, or in places of public accommodation covered by title III.

(c) INSURANCE.—Titles I through IV of this Act shall not be construed to prohibit or restrict—

(1) an insurer, hospital or medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or
(2) a person or organization covered by this Act from establishing, sponsoring, observing or administering the terms