

47 U.S.C.A. § 225



Effective: February 08, 1996

United States Code Annotated [Currentness](#)

Title 47. Telegraphs, Telephones, and Radiotelegraphs

Chapter 5. Wire or Radio Communication ([Refs & Annos](#))

[Subchapter II](#). Common Carriers ([Refs & Annos](#))

[Part I](#). Common Carrier Regulation

→ § 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 153](#) of this title and any common carrier engaged in intrastate communication by wire or radio, notwithstanding [sections 152\(b\)](#) and [221\(b\)](#) of this title.

(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 151](#) of this title, 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

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subchapter 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 chapter 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 July 26, 1990, provide in compliance with the 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) of this section 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) of this section; or

(2) with respect to intrastate telecommunications relay services in any State that has a certified program under subsection (f) of this section 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) of this section for such State.

(d) Regulations

(1) In general

The Commission shall, not later than 1 year after July 26, 1990, 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) of this section;

(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

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[section 157\(a\)](#) of this title, 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 title, 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) of this section, 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) of this section, 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) of this section; and

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

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(3) Method of funding

Except as provided in subsection (d) of this section, 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) of this section 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--

(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) of this section.

CREDIT(S)

(June 19, 1934, c. 652, Title II, § 225, as added July 26, 1990, [Pub.L. 101- 336, Title IV, § 401\(a\)](#), 104 Stat. 366, and amended Feb. 8, 1996, [Pub.L. 104-104, § 3\(d\)\(1\)](#), 110 Stat. 61.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1990 Acts. [House Report No. 101-485](#) and [House Conference Report No. 101- 596](#), see 1990 U.S. Code Cong. and Adm. News, p. 267.

1996 Acts. [House Report No. 104-204](#) and [House Conference Report No. 104- 458](#), see 1996 U.S. Code Cong. and Adm. News, p. 10.

Amendments

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1996 Amendments. Subsec. (a)(1). [Pub.L. 104-104, § 3\(d\)\(1\)](#), substituted "section 153 of this title" for "section 153(h) of this title".

Severability of Provisions

A finding of unconstitutionality of any provision of [Pub.L. 101-336](#) which enacted this section not to affect the enforceability of the remaining provisions of that Act, see section 12213 of Title 42, The Public Health and Welfare.

LAW REVIEW COMMENTARIES

Americans with Disabilities Act: An overview of the employment provisions. Thomas S. Christopher and Charles M. Rice, [33 S.Tex.L.Rev. 759 \(1992\)](#).

Breaking down the telephone barrier--Relay services on the line. Karen Peltz Strauss and Robert E. Richardson, [64 Temp.L.Rev. 583 \(1991\)](#).

Constitution and the ADA: Some first impressions. Stephen L. Mikochik, [64 Temp.L.Rev. 619 \(1991\)](#).

Historical background of the Americans with Disabilities Act. Lowell P. Weiker, Jr., [64 Temp.L.Rev. 387 \(1991\)](#).

[Medical examinations and inquires under the Americans with Disabilities Act: A view from the inside. Chai Feldblum, 64 Temp.L.Rev. 521 \(1991\).](#)

Overview and essential requirements of the Americans with Disabilities Act. Nancy Lee Jones, [64 Temp.L.Rev. 471 \(1991\)](#).

Telecommunications aspects of the 1990 Americans With Disability Act. Stuart N. Brotman, 210 N.Y.L.J. 1 (Sept. 3, 1993).

[Title I--Employment provisions of the Americans with Disabilities Act. Arlene Mayerson, 64 Temp.L.Rev. 499 \(1991\).](#)

LIBRARY REFERENCES

American Digest System

Telecommunications  149, 266.

Key Number System Topic No. 372.

Corpus Juris Secundum

[CJS Civil Rights § 221](#), Telecommunications.

[CJS Civil Rights § 223](#), Powers and Functions of Administrative Commissions and Agencies; Attorney General.

RESEARCH REFERENCES

Encyclopedias

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[48 Am. Jur. Proof of Facts 3d 1](#), Employment Discrimination on the Basis of Mental Disability Under the Americans With Disabilities Act.

[49 Am. Jur. Proof of Facts 3d 1](#), Discrimination in Provision of Medical Services on Basis of Disability.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 1](#), Disability Discrimination Results in New Civil Rights Law: The Americans With Disabilities Act of 1990.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 311](#), Introduction; Opportunity to Use Service for General Public May Not be Denied.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 314](#), Use of Designated Priority Seats May Not be Required.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 321](#), Labor-Management Agreements May Not Conflict With Ada Requirements.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 322](#), Pre-Emption of Conflicting Laws; Other Laws Not Invalidated or Limited.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 489](#), Relationship to Section 504 of Rehabilitation Act of 1973.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 609](#), Failure to Receive Technical Assistance Not a Defense.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 615](#), Other Laws Not Invalidated or Limited.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 616](#), The Rehabilitation Act of 1973.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 617](#), Smoking Restrictions.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 618](#), Application of Education Laws to Private Schools.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 619](#), Federal Laws Ensuring Rights of Incompetent Individuals Not Altered.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 659](#), Participation May Not be Denied -- Insurance.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 670](#), Retaliation as Prohibited Conduct.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 681](#), Surcharges Prohibited.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 821](#), Introduction.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 822](#), Services Common Carriers Must Provide.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 823](#), When Common Carrier is in Compliance With Trs Obligations.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 824](#), What Are Telecommunications Relay Services (TRS).

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[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 831](#), Technology Requirements.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 834](#), Jurisdictional Separation of Costs.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 835](#), Submission of Documentation by State; FCC Notice of Filing.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 836](#), When FCC Will Certify Program.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 837](#), When FCC Will Certify Program -- Method of Funding May Not be Basis for Refusing Certification.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 839](#), Suspension or Revocation.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 842](#), Jurisdiction; FCC Enforcement Authority.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 846](#), Referral to States.

[Am. Jur. 2d New Topic Serv., ADA: Analysis & Implic. § 848](#), When Final Order Must be Issued.

Forms

[Federal Procedural Forms § 66:39](#), Overview.

Treatises and Practice Aids

[Federal Procedure, Lawyers Edition § 11:445](#), Generally.

[Federal Procedure, Lawyers Edition § 11:446](#), Relationship to Other Laws.

[Federal Procedure, Lawyers Edition § 72:275](#), FCC Jurisdiction Over Common Carriers -- Local Telephone Exchange Services.

[Federal Procedure, Lawyers Edition § 72:492](#), Authority of FCC.

[Federal Procedure, Lawyers Edition § 72:493](#), Complaints.

[Federal Procedure, Lawyers Edition § 72:494](#), Remedies.

NOTES OF DECISIONS

Broadcasting [2](#)


Tax credits [3](#)

Work product [1](#)


[1](#). Work product

Printouts of conversation between deaf person and attorney using a "TTY" or "TDD" machine, i.e., a teletypewriter for the deaf, were subject to protection as attorney work product, when otherwise qualified as such, though in communicating by telephone with hearing persons who do not have TTY machines, the deaf rely on "relay operators" to translate written messages, in light of protection of confidentiality of such communications by


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provision in the Communications Act of 1934 prohibiting relay operators from disclosing content of conversation or from keeping records of content beyond duration of call. [People by Vacco v. Mid Hudson Medical Group, P.C., S.D.N.Y.1995, 877 F.Supp. 143](#). Federal Civil Procedure  1600(3)

2. Broadcasting

Communications Act of 1934, which established regulatory scheme governing Federal Communications Commission (FCC), did not indicate congressional intent to apply ADA to National Football League's (NFL) "blackout rule," which prohibits live local broadcasts of home football games that are not sold out 72 hours before game-time. [Stoutenborough v. National Football League, Inc., C.A.6 \(Ohio\) 1995, 59 F.3d 580](#), certiorari denied [116 S.Ct. 674, 516 U.S. 1028, 133 L.Ed.2d 523](#). Civil Rights  1033(2)

3. Tax credits

Taxpayers' small business's investment in alternative to ADA-mandated telecommunications relay service (TRS), consisting of computer-based rather than relay operator-based system, did not constitute "eligible access expenditure," and thus taxpayers were not entitled to small-business disabled access credit; investment was not necessary and could not have been made to enable business to comply with ADA, since, under existing TRS, any place with telephone was already in compliance. [Galyen v. C.I.R., U.S.Tax Ct.2006, 2006 WL 416404](#). Unreported. Internal Revenue  3520

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