Federal Laws Providing Rights to Individuals with Hearing Loss

The cited statutes may be accessed by going to http://www.gpoaccess.gov and entering into the “Search” box, the title number, the letters “USC” and the section number (e.g., 47USC255).

Telecommunications Act of 1996, as amended (Sections 255 and 713).  
(Regulated by the Federal Communications Commission (FCC))

Section 255 (47 USC § 255) requires manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. Products and services covered include telephones, cell phones, pagers, call-waiting, and operator services. The FCC regulations are found at Title 47, Code of Federal Regulations (CFR) Parts 6 and 7 (47 CFR Parts 6 and 7).

Section 713 (47 USC § 613) requires the Federal Communications Commission (FCC) to issue regulations to ensure that video programming is fully accessible through closed captioning, with limited exceptions. The FCC regulations are found at 47 CFR Part 79.

Television Decoder Circuitry Act (47 USC §§ 303(u) and 330(b)).  
(Administered by the Federal Communications Commission)

This legislation amended the Telecommunications Act to require all televisions with screens larger than 13 inches (diagonally), and digital television receivers that are 7.8 inches or larger (vertically), and cable boxes be manufactured with internal circuitry that can receive, decode, and display closed captions.

American with Disabilities Act (ADA) (42 USC §§ 12101 et seq.). The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. Requirements regarding employment are addressed below. The ADA requirements regarding telecommunications are codified as section 255 of the Telecommunications Act, discussed above.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. A person with a disability is defined as one who has an impairment that substantially limits a major life activity (e.g., hearing), that substantially limited a major life activity in the past, or one who is regarded or treated by others as if the impairment (e.g., hearing loss) is substantially limiting.

This determination is made on case-by-case basis. Under current law, if a person uses a “mitigating device” such as a hearing aid or cochlear implant, that may be considered in determining if the protections of the ADA are available.
Title I: Employment (42 USC § 12111 et seq.)  
(Regulated by the Equal Employment Opportunity Commission (EEOC))

This title of the ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related benefits, including hiring, promotions, training, pay, and social activities. It requires that employers make reasonable accommodation to the known physical limitations of otherwise qualified individuals, unless it results in undue hardship. The EEOC regulations are found at 29 CFR Part 1630.

Rehabilitation Act of 1973, as amended (Sections 501, 503, 504 and 508)

Section 501 (29 USC § 791)  
(Regulated by the EEOC)

This section requires affirmative action and nondiscrimination in employment by Federal agencies. Regarding employees with disabilities (the definition is the same as under the ADA), Federal agencies must provide reasonable accommodations unless doing so would impose an undue hardship. The EEOC regulations are found at 29 CFR § 1614.203.

Section 503 (29 USC § 793)  
(Regulated by the Department of Labor, Office of Federal Compliance Programs)

This section requires affirmative action and prohibits discrimination by Federal government contractors and subcontractors. The implementing regulations are found at 41 CFR § 60-741.

Section 504 (29 USC § 794)  
(Regulated separately by more than 20 agencies for federal financial assistance programs)

This section provides that qualified individuals with disabilities shall not “excluded from, denied the benefits of, or be subjected to discrimination under” any program activity that receives Federal financial assistance (e.g., Federal grants). Each Federal agency has its own Section 504 regulations and is responsible for enforcing them.

Section 508 (29 USC § 794d) requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

Hearing Aid Compatibility Act (47 USC § 610)  
(Regulated by the Federal Communications Commission)

This section of the Telecommunications Act requires all telephones manufactured or imported for use in the U.S. and all essential phones, such as those provided for emergency use, be compatible with hearing aids. In 2003, by regulation, the FCC set a 5-year timetable for the development and sale of digital...
wireless phones that are compatible with hearing aids and cochlear implants. The regulations, found at 47 FCR § 20.19, are undergoing revision, and an adjusted timetable is expected to result.

**Fair Housing Act (42 USC §§ 3601 et seq.)**
(Regulated by the Department of Housing and Urban Development)

This legislation prohibits discrimination in any aspect of selling or renting housing to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. The Department of Housing and Urban Development regulations are found at **24 CFR Parts 100 et seq.**

**Air Carrier Access Act (49 USC § 41705)**
(Regulated by the Department of Transportation)

This statute prohibits discrimination in air transportation by domestic and foreign air carriers against individuals with physical impairments. Requirements cover a wide range of issues, including the requirement that passengers with hearing impairments must be given timely access to the same information provided to other passengers both at the airport and on the airplane. The type of information includes safety, gate assignments, and delayed flights. The Department of Transportation regulations are found at **14 CFR Part 382.**

**Voting Accessibility for the Elderly and Handicapped Act (42 USC §§ 1973ee et seq.) and Help America Vote Act (42 USC §§ 15301 et seq.)** generally that polling places and voting machines across the U.S. be accessible to people with disabilities.

**Individuals with Disabilities Education Act (20 USC §§ 1400 et seq.)**
(Regulated by the Department of Education)

This legislation requires public school systems to provide a “free, appropriate public education” to children who need specialized services because of a disability. It establishes procedures for developing an individual education program and identifying needed support services for individual children. The Department of Education regulations are found at **34 CFR Part 300.**