

## FCC Consumer Advisory Committee

### Recommendation: References to Sign Language in FCC Rules and Order

The Consumer Advisory Committee (CAC) wishes to call attention to two areas of TRS Rules, Orders, and news releases that require clarification as they relate to Video Relay Service:

- The definition of American Sign Language (ASL)
- The processes used by VRS interpreters.

Currently, the TRS Rules in 47 C.F.R. §604.601(2) define American Sign Language as follows:

*“American Sign Language (ASL). A visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.”*

The CAC respectfully points out that:

- a. An accurate definition of ASL should include reference to the fact that ASL is a conceptually-based visual language and to the fact that its grammatical structure differs from English. ASL is not accurately defined simply by a general reference to what the hands are doing.
- b. ASL is not a *generic* term for all signed languages used by people who are deaf or hard of hearing. By the same token, ASL is also not a *generic* term for the different forms of interpreting recognized by professional sign language interpreting and certification organizations, and by consumers who use their services.
- c. To be inclusive of the various forms of signed languages used by VRS consumers and the video interpreters who serve them, the TRS Rules need to include, at a minimum, a definition for each of the following:
  - Signed English (also sometimes referred to as ‘Contact Language’)
  - Sign Language Interpreting (sometimes referred to as ‘ASL Interpreting’)
  - Signed Transliteration

- Oral Transliteration

2. The CAC also points out the need for more consistent and inclusive language in the Rules and offers a suggestion to reconcile them.

a. 47 C.F.R. 64.601(7) §64.601(7) defines a Communications Assistant (CA) correctly as a “person who transliterates or interprets conversation between two or more end users of TRS.” This definition is also exactly correct for defining a qualified video interpreter and is therefore assumed to apply accordingly.

b. The Registry of Interpreters for the Deaf has always recognized the distinction between ‘transliteration’ and ‘interpretation’ and has long offered standardized testing and certification for each skill:

**Certificate of Interpretation:** Holders of this certificate are recognized as fully certified in Interpretation and have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English in both sign-to-voice and voice-to-sign. The interpreter’s ability to transliterate is not considered in this certification.

**Certificate of Transliteration:** Holders of this certificate are recognized as fully certified in Transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator’s ability to interpret is not considered in this certification.

**Certificate of Oral Transliteration:** Oral Translitterators (also called Oral Interpreters) facilitate spoken communication between individuals who are deaf or hard of hearing and use speech and speechreading as their primary mode of communication, and other persons. These speechreaders may or may not also know or use manual communication or sign language. Oral Transliteration, however, does not normally include any use of sign language. Oral Translitterators may also “voice” for speakers who use no voice, or whose voices are difficult for listeners to understand.

c. The TRS Work Group suggests that the FCC incorporate these, or similar, definitions in its TRS Rules. Doing so will clarify the intent of the existing language in 47 C.F.R. §64.601(10) and 47 C.F.R. 64.604(a)(2)(ii). These sections require the interpreter to be ‘effective’ and use ‘any necessary specialized vocabulary’. A fundamental skill of any qualified interpreter is the ability to do an assessment of the consumer’s communication needs/preferences along the interpreting/transliteration

continuum and adjusting for an appropriate fit. It would be as much of an error to transliterate with an ASL user as it would be an error to interpret for someone who prefers oral or signed English.

d. Expanding and clarifying the TRS Rules will also be consistent with 47 C.F.R §64.604(a)(2)(ii) which requires that the CA (and by association the Video Interpreter) “relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call.” “Verbatim” is English-to-English and the definition of transliteration. Thus, note that the TRS Rules do make English the default language – unless otherwise requested by the user. This reinforces the need to reconcile the language of the rules as noted above.

One final point: The purpose of these comments is to point out the need to recognize the broadest possible universe of sign language users and not just those who use ASL, and recognize the broader spectrum of interpreting that includes signed and oral English transliteration in addition to ASL interpretation.

Frequent references in FCC Orders and news releases narrowly define VRS as communications ‘facilitated by a Communications Assistant (CA) using American Sign Language (ASL)’ and overlooks the fact that VRS is equally there for, and used by, people who use more English-like forms of sign language or who prefer to speech read. And any of them may also choose to use VRS with or without VCO.

The video interpreters of all VRS providers are routinely responsive to VRS user requests for a specific form of communication support and the FCC’s materials should reflect this practice. For example, the current RFP for California Relay Services specifies that “...Video Relay Service CAs shall interpret using ASL or signed or oral transliteration as requested by the caller.” The FCC is encouraged to use similar inclusive language in its Rules, Orders, and press releases as we are sure that it was never the intention of the FCC to restrict VRS usage to only users of ASL and ASL interpreting. VRS is truly a versatile TRS product.

The CAC understands that a change of TRS Rules is done through the NPRM process and believes the changes recommended in this document can be combined with an NPRM on other VRS issues for public comment.

Adopted: April 7, 2006