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Dear Senator:

I write to request that legislation now before you, the PRO Act (HR 842), be fixed to **prevent Sign Language Interpreters and Communication Access Real-Time Translation service (CART) captioners from being denied the ability to operate** as they have for decades as independent contractors.

If the version of the PRO Act passed by the U.S. House were to become law, its **Section 101b** as currently written would have the effect of rendering most **professional interpreters and captioners in America unable to function**.

This outcome would irreparably degrade my life and the lives of millions of Americans who are deaf, deafblind, or hard of hearing. It would destroy the livelihoods of thousands of highly skilled interpreters and captioners who communicate in American Sign Language (ASL) and other signed languages as well as instant English text used by over 48 million deaf or hard of hearing people in the United States and its territories, some of whom are people with limited English proficiency (LEP).

Undercutting language access would violate federal law, including the Americans with Disabilities Act (ADA), whose 31st anniversary of enactment in July 1990 our nation just celebrated last month. Passing a new law that has the effect of breaking that law and weakening our capacity to fulfill it is unacceptable. It would be a demoralizing setback to our progress toward respecting the dignity, equity, and inclusion of all people with disabilities. It would breach the promise of equal protection at the core of our free society.

Under the ADA, it is imperative that individuals who are deaf, deafblind, hard of hearing, or have a speech disability gain meaningful access to state and local governmental entities (Title II) and places of public accommodation (Title III) and to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently than other individuals because of the absence of **auxiliary aids and services**.

Auxiliary aids and services include Sign Language Interpreting Services and Communication Access Real-Time Translation (CART), two different types of specialized services that require different skills and should be protected. CART uses machine stenographers (real-time captioners) who manually enter verbal communication via a stenography machine into a software program. The program converts the steno signals to text instantly, which is then displayed on a personal computer or projection screen for an individual who is deaf or hard of hearing to read. The service is typically used by individuals who are hard of hearing, late-deafened, and those who lost their hearing after learning speech and rely solely on CART.

Both these specialized services make aurally delivered information available to ensure effective communication for individuals who are deaf, deafblind, or hard of hearing. The accommodations, or method of assistance, requested by the individuals who are deaf, deaf-blind, or hard of hearing must be given **primary consideration** by the public entity and public accommodation under the law.

Sign language interpreters skilled in ASL have been available for hire for decades. More than 75 percent of professional interpreters and captioners are freelance. By controlling their own pay, hours, choice of clients, and tools, they fit the definition of independent contractor and choose this status. They typically serve the needs of a wide range of clients, often in the course of a day's work. These include some whose business specializes in language services. Yet **under part b of Section 101b of the PRO Act, no such freelance sign language interpreter or real-time captioner could engage with any language service firm**, even

for a limited engagement of just one or two hours, without becoming an employee. That requirement is wrong, would decimate the ranks of such linguists, and will threaten dehumanizing cutoffs in essential service to people who are deaf, deafblind, or hard of hearing—unless that section of the federal bill is fixed.

The skill of professional interpreters utilizing ASL, has reached broad public awareness during the COVID pandemic during televised briefings and public hearings. The difference that expert language access makes can be one of life and death. That includes professional interpreters in ASL in emergency settings, such as healthcare. This May 2020 article in CalMatters dramatizes the particular, vital importance of Californians' access to professional interpreters:

<https://calmatters.org/commentary/the-importance-of-considering-professional-interpreters-in-ab-1850/>

It is worth noting that state lawmakers in California recently faced a similar challenge involving a three-part "ABC" test involving the classification of workers. State lawmakers listened to the voices of people with disabilities who described the impact on us and our families of the failure to respect and accommodate the freelance status of professional interpreters and translators. The new state law, signed on Sept. 4, 2020, fixes that problem. This outcome holds a lesson for federal policy.

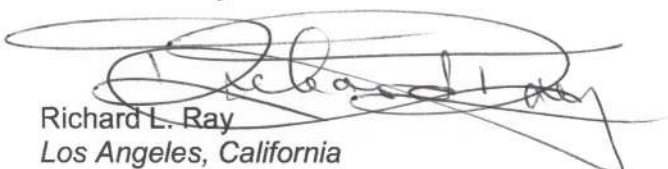
I would like to provide some information about my professional background and involvement as a member of several local, state, and national organizations. For more than 30 years, I served the City of Los Angeles as ADA Technology Access Coordinator, as ADA Compliance Officer, and in the Department on Disability to assess, monitor, and ensure the city's compliance with the ADA, the Rehabilitation Act of 1973, and other applicable federal, state, and local disability laws. In these capacities, I advised the city, including its law-enforcement agencies, on accommodations in compliance with applicable disability law; provided technological and technical assistance to city departments to improve access to and communication with deaf, deafblind, and hard of hearing residents; and coordinated access to city facilities, programs, services and activities for individuals who are deaf, deafblind, and hard of hearing.

Having held these positions, I know the requirements of the ADA, the Rehabilitation Act, and other disability laws, and reasonable accommodations under those laws. I am also deeply versed in various technologies and methods for improving communication and access for the deaf and hard of hearing. I am actively involved as a co-chair of the National Emergency Number Association Accessibility Committee. And I am currently serving on the Disability Advisory Committee of the Federal Communications Commission (FCC). I have also served the FCC on the North American Numbering Council (NANC) - Interoperable Video Calling (IVC) Working Group and as co-chair for both the Emergency Access Advisory Committee and the Emergency Communications Subcommittee of the FCC.

I was also a member of the National Advisory Board of Preparedness & Emergency Response Research Center (PERRC), University of California, Berkeley and the California Public Utilities Commission (CPUC), Deaf and Disabled Telecommunications Program (DDTP) - Equipment Program Advisory Committee. I have received a number of awards and, before the pandemic, was inducted into the **National Emergency Number Association Hall of Fame** on June 2019.

Having devoted my life to full participation, human rights, and progress for deaf and hard of hearing people and all Americans with disabilities, **I implore you to protect language access** as outlined above. The lesson learned in California and now reflected in state law must not be lost on federal policy-makers considering the PRO Act. The power to **rectify the terms of this federal bill** is in your hands. I join thousands of people with disabilities, including your constituents, to urge that you do the right thing.

With warm regards,


Richard L. Ray
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