

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities
Structure and Practices of the Video Relay Services Program
Petition for Rulemaking and Interim Waiver of Convo Communications, LLC
CG Docket No. 03-123
CG Docket No. 10-51

REPORT AND ORDER AND ORDER

Adopted: December 19, 2023

Released: December 20, 2023

By the Commission:

I. INTRODUCTION AND SUMMARY

1. Today, the Commission continues its work of promoting improvement in the efficacy and quality of relay services supported by the Interstate Telecommunications Relay Services Fund (TRS Fund or Fund).1 By increasing video relay service (VRS) providers' flexibility to hire communications assistants from a wider pool of qualified sign-language interpreters, we enhance their ability to offer high-quality services despite the current shortage of skilled labor in this sector. In the Report and Order, we modify our rules for VRS to: (1) increase from 50% to 80% the portion of monthly VRS minutes that may be handled by communications assistants (CAs) working at home;2 (2) modify the amount of prior interpreting experience required of VRS CAs who work at home;3 and (3) allow VRS providers to use

1 Telecommunications relay services (TRS) are telephone transmission services that enable people with speech or hearing disabilities to communicate by wire or radio in a manner that is functionally equivalent to communication using voice services. 47 CFR § 64.601(a)(43).

2 See id. § 64.604(b)(8)(i) (2023). As a housekeeping matter, we consolidate in one location, within section 64.604 of our rules, a number of existing provisions that relate specifically to VRS, including the VRS-specific rule provisions amended by this Report and Order. As of the effective date, these provisions are now located in section 64.604(d). See infra Appendix B (also renumbering the existing section 64.604(d) as 64.604(e)). The provisions affected by this change are those relating to eligibility for reimbursement from the TRS Fund (moved from section 64.604(c)(5)(iii)(N)(1) to section 64.604(d)(1)), call center reports (moved from section 64.604(c)(5)(iii)(N)(2) to section 64.604(d)(2)), compensation of CAs (moved from section 64.604(c)(5)(iii)(N)(3) to section 64.604(d)(3)), remote training session calls (moved from section 64.604(c)(5)(iii)(N)(4) to section 64.604(d)(4)), visual privacy screens / idle calls (moved from section 64.604(a)(6) to section 64.604(d)(5)), international calls (moved from section 64.604(a)(7) to section 64.604(d)(6)), and discrimination and preferences (moved from section 64.604(c)(12) to section 64.604(d)(8)). Thus, the cap on at-home minutes is moved from section 64.604(b)(8)(i) to section 64.604(d)(7)(i). See infra Appendix B.

3 See 47 CFR § 64.604(b)(8)(ii)(A) (2023). This provision is moved to section 64.604(d)(7)(ii)(A). See infra Appendix B.

contract CAs, subject to conditions, for up to 30% of their monthly call minutes.⁴ We also modify our rules to ensure that registered VRS users can easily place calls to the United States while traveling abroad.⁵ In the Order, we extend the previously granted, partial waivers of certain rules amended by the Report and Order until the dates specified herein.⁶

II. BACKGROUND

2. Under section 225 of the Communications Act of 1934, as amended (the Act), the Commission must ensure that TRS is available “to the extent possible and in the most efficient manner” to persons “in the United States” who are deaf, hard of hearing, or deafblind, or who have speech disabilities, so that they can communicate by telephone in a manner that is functionally equivalent to voice communication service.⁷ VRS, a form of TRS, enables people with hearing or speech disabilities who use sign language to communicate with voice telephone users over a broadband connection using a video communication device.⁸ The video link allows a CA to view and interpret the party’s signed conversation and relay the conversation back and forth with a voice caller.⁹ Providers of VRS are compensated from the TRS Fund for service provided in accordance with applicable rules.¹⁰ To be eligible to receive payment from the TRS Fund, a VRS provider must be granted certification by the Commission.¹¹ To allow consumers a choice of service, the Commission has authorized multiple VRS providers.¹²

3. *Anti-Fraud Rules.* More than ten years ago, a wave of fraud and abuse “plagued the [VRS] program and threatened its long-term sustainability.”¹³ Numerous uncertified entities were providing VRS or purporting to do so, without effective supervision, while using certified VRS providers as billing agents to obtain payment—sometimes fraudulently—from the TRS Fund.¹⁴ In response, the Commission prohibited or restricted a number of VRS provider practices that it found had increased the likelihood of fraud and abuse.¹⁵

⁴ See 47 CFR § 64.604(c)(5)(iii)(N)(1)(iii) (2023). This provision is moved to section 64.604(d)(1)(iii). See *infra* Appendix B.

⁵ See 47 CFR § 64.604(a)(7) (2023). This provision is moved to section 64.604(d)(6). See *infra* Appendix B.

⁶ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP) Captioned Telephone Service; Petition for Rulemaking and Interim Waiver of Convo Communications, LLC*, CG Docket Nos. 03-123, 10-51, and 13-24, Report and Order, Notice of Proposed Rulemaking, Order, and Declaratory Ruling, FCC 22-51, para. 61 (June 30, 2022) (*Notice, June 2022 Order, or June 2022 Ruling*).

⁷ 47 U.S.C. § 225(a)(3), (b)(1).

⁸ 47 CFR § 64.601(a)(51).

⁹ *Id.*

¹⁰ See *id.* § 64.604(c)(5)(iii)(E), (F).

¹¹ *Id.* § 64.606.

¹² See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, paras. 22-26 (2000) (*2000 VRS Authorization Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577, 20588, para. 21 (2005).

¹³ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5546, para. 1 (2011) (*2011 VRS Call Practices Order*).

¹⁴ See generally *id.* at 5570-76, paras. 47-63.

¹⁵ *Id.* at 5546-48, para. 1.

4. In 2011, along with other anti-fraud measures, the Commission amended its rules to prohibit the handling of VRS calls by CAs working at home.¹⁶ Due to lack of direct supervision, the Commission found that allowing CAs to work at home increased the risk of VRS fraud and compromised the protection of confidentiality, service reliability, and service quality.¹⁷ In addition, the Commission prohibited an eligible (i.e., FCC-certified) VRS provider from “contract[ing] with or otherwise authoriz[ing] any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible [VRS] provider.”¹⁸ In light of the proliferation of unauthorized “white label” entities providing VRS with insufficient supervision, via revenue-sharing arrangements with FCC-certified providers, the Commission found this rule necessary “to reduce fraud[,] establish better oversight of the VRS program, and address [such] unauthorized revenue sharing arrangements.”¹⁹

5. Also in 2011, the Commission restricted compensation of VRS providers for calls to the United States from foreign locations.²⁰ The Commission found that a large number of VRS calls were placed from IP addresses indicating a non-U.S. location and that “many of these minutes are likely attributable to fraudulent or abusive activities.”²¹ Therefore, the Commission adopted a rule prohibiting TRS Fund compensation for such VRS calls—except for calls placed during travel by “a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers.”²² In a footnote to the *2011 VRS Call Practices Order*, the Commission added that “this exception is not intended to apply to calls made by individuals who remain outside the U.S. for extended periods of time, which we define as more than four weeks.”²³

6. *Subsequent Reauthorization of At-Home VRS Call Handling.* In 2017, recognizing that anti-fraud safeguards and advances in network technology appeared to have reduced the fraud and abuse risks associated with CAs working at home, the Commission authorized a pilot program whereby participating VRS providers could permit some CAs to work at home, so long as the provider complied with specified personnel, technical, and environmental safeguards, as well as monitoring, oversight, and reporting requirements.²⁴ In 2020, the Commission further amended its rules to allow at-home call-handling on a permanent basis, subject to safeguards similar to those of the pilot program.²⁵ Among other

¹⁶ *Id.* at 5610, Appx. E (adopting 47 CFR § 64.604(b)(4)(iii) (2012)).

¹⁷ *Id.* at 5556-59, paras. 16-20.

¹⁸ *Id.* at 5612, Appx. E (adopting 47 CFR § 64.604(c)(5)(iii)(N)(1)(iii)).

¹⁹ *Id.* at 5574, para. 57; *see also id.* at 5574, para. 58.

²⁰ *Id.* at 5609, Appx. E (adopting 47 CFR § 64.604(a)(7)). This restriction applies to VRS calls placed by *video* users located outside the United States to *voice* users in the United States but does not apply to VRS calls placed by *voice* users located outside the United States to *video* users in the United States. *Id.* at 5564, para. 32.

²¹ *Id.* at 5564, para. 32.

²² *Id.* at 5609, Appx. E (adopting 47 CFR § 64.604(a)(7)); *see also 2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32.

²³ *2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32 n.105.

²⁴ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436, 2455-61, paras. 46-54 (2017) (*2017 VRS Improvements Order*); 47 CFR § 64.604(b)(8) (2019) (pilot program rules).

requirements, the current rules also limit at-home call handling to a maximum of 50% of a provider's monthly VRS minutes and require that CAs working at home have at least three years of American Sign Language (ASL) interpreting experience.²⁶

7. *COVID-19 Pandemic Waivers.* During the outbreak of the COVID-19 pandemic, VRS providers reported sharp increases in call volumes and decreases in call center staffing. Providers moved more CAs to home workstations to comply with social distancing requirements and stay-at-home orders.²⁷ In addition, travel became unpredictable, and some VRS users were stranded abroad.²⁸ To address these extraordinary circumstances, CGB, on its own motion, temporarily waived the following VRS rules: (1) the cap on the percentage of VRS providers' minutes that may be handled at home workstations;²⁹ (2) certain rules governing how at-home call handling is conducted and overseen by providers, including the requirement that CAs working at home have three years' interpreting experience;³⁰ (3) the prohibition on contracting for interpretation services with third parties who are not also certified VRS providers;³¹ and (4) the restriction on compensation for VRS calls placed to the United States from abroad by registered VRS users.³² Due to the pandemic's continuing impact on VRS operations, all the above waivers were extended for additional periods in successive orders.³³

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²⁵ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order, 35 FCC Rcd 831 (2020) (*2020 VRS At-Home Call-Handling Order*) (adopting 47 CFR §§ 64.604(b)(8), 64.606(a)(4)).

²⁶ 47 CFR § 64.604(b)(8)(i), (ii)(A) (2023).

²⁷ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 2715, 2715-16, para. 2 (CGB 2020) (*March 2020 TRS Waiver Order*).

²⁸ See *id.* at 2716-17, paras. 3-5; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 4894, 4896-97, para. 6 (CGB 2020) (*May 2020 TRS Waiver Order*).

²⁹ *March 2020 TRS Waiver Order*, 35 FCC Rcd at 2716-17, para. 3.

³⁰ *Id.*

³¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 3018, 3018, para. 2 (CGB 2020) (*April 2020 TRS Waiver Order*).

³² *March 2020 TRS Waiver Order*, 35 FCC Rcd at 2716-17, para. 5; *May 2020 TRS Waiver Order*, 35 FCC Rcd at 4896-97, para. 6 (modifying waiver). Provisions of other rules, not at issue in this proceeding, were waived for providers of other forms of TRS.

³³ *May 2020 TRS Waiver Order*, 35 FCC Rcd 4894; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 6432 (CGB 2020); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 35 FCC Rcd 9783 (CGB 2020); *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10892, para. 54 (2020); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, 36 FCC Rcd 4264 (CGB 2021); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 21-1064 (CGB Aug. 27, 2021); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG

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8. *Convo Petition for Rulemaking.* On June 4, 2021, Convo Communications, LLC (Convo), filed a petition requesting that the Commission initiate a rulemaking proceeding to modify the rules limiting VRS minutes handled by CAs working at home and prohibiting the use of contract CAs.³⁴ Arguing that VRS providers' record of service under the pandemic waivers justifies allowing more flexibility on a permanent basis,³⁵ Convo urged the Commission to raise the percentage of permitted VRS at-home call-handling to 80% of a provider's monthly minutes and to allow a VRS provider to use contract CAs for up to 30% of its monthly minutes.³⁶ Convo also asked that the Commission continue to waive the relevant provisions of its current rules during the pendency of any rulemaking.³⁷

9. *Notice of Proposed Rulemaking.* On June 30, 2022, the Commission released a Notice of Proposed Rulemaking to amend certain rules that had been partially waived due to the pandemic emergency. Citing the Convo Petition and *ex parte* submissions by VRS providers, the Commission proposed to: (1) increase from 50% to 80% the portion of monthly VRS minutes that may be handled by CAs working at home; (2) reduce or eliminate the requirement that VRS CAs who work from home must have at least three years of interpreting experience; (3) allow VRS providers to use contract CAs for up to 30% of their monthly call minutes; and (4) allow TRS Fund compensation for calls placed by registered VRS users to the United States from outside the country, for up to one year after leaving the country, as long as they notify their provider of such travel at any time before placing such a call.³⁸ In an accompanying order, to allow time for consideration of the proposed amendments, the Commission extended the partial waivers of these rules through June 30, 2023.³⁹ The Bureau subsequently extended the waivers through December 31, 2023.⁴⁰

10. The Commission received comments on the *Notice* from three VRS providers, a coalition of Accessibility Advocacy and Research Organizations (AARO), and two VRS consumers,⁴¹ and reply comments from three VRS providers and AARO.⁴² All commenters except the two consumers supported

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Docket Nos. 03-123 and 10-51, Order, DA 21-1653 (CGB Dec. 30, 2021); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 22-324 (CGB Mar. 25, 2022) (*March 2022 TRS Waiver Order*).

³⁴ Convo, Petition for Rulemaking and Interim Waiver, CG Docket Nos. 03-123 and 10-51 (filed June 4, 2021), <https://www.fcc.gov/ecfs/document/1060430712576/1> (Convo Petition). By public notice issued June 17, 2021, the Commission sought comment on the petition. See *Request for Comment on Petition for Rulemaking and Interim Waiver of Convo Communications, LLC, Regarding Certain Video Relay Service Rules*, CG Docket Nos. 10-51 and 03-123, Public Notice, 36 FCC Rcd 9906 (CGB 2021) (*Convo Petition Public Notice*).

³⁵ Convo Petition at 2-3.

³⁶ *Id.* at 1.

³⁷ *Id.* at 2.

³⁸ *Notice*, paras. 25-60.

³⁹ *Id.*, paras. 61-66.

⁴⁰ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP) Captioned Telephone Service; Petition for Rulemaking and Interim Waiver of Convo Communications, LLC*, CG Docket Nos. 03-123, 10-51, and 13-24, Order, DA 23-575, para. 7 (June 30, 2023) (*June 2023 Extension Order*).

⁴¹ Sorenson Communications, LLC (Sorenson) Comments; Convo Communications, LLC (Convo) Comments; ASL Services Holding, LLC *dba* GlobalVRS (GlobalVRS) Comments; Accessibility Advocacy and Research Organizations (AARO) Comments; Kristy Stellato (Stellato) Comments; Bethany Miles (Miles) Express Comment.

⁴² Sorenson Reply; Convo Reply; AARO Reply; ZP Better Together, LLC (ZP) Reply.

the proposed increase in VRS minutes handled by CAs at home.⁴³ The four VRS providers supported elimination or modification of the three years of ASL interpreting experience rule, while AARO opposed that change.⁴⁴ AARO and Convo supported removing the ban on contract interpreters, while the other three VRS providers opposed its removal.⁴⁵ Commenters universally supported the proposed change in the international calling rule.⁴⁶

III. REPORT AND ORDER

A. CAs Working at Home

1. Cap on At-Home Minutes

11. We adopt the Commission's proposal to increase from 50% to 80% the percentage of a VRS provider's monthly minutes that may be handled by CAs working at home.⁴⁷ Raising the cap on at-home call handling will allow VRS providers to continue hiring from an expanded pool of interpreters when the current waivers expire. Such increased flexibility allows VRS providers to operate more efficiently and maintain or improve service quality.⁴⁸

12. *Benefits.* The Commission allows CAs to work at home because this option lets VRS providers hire CAs from an expanded, nationwide pool of ASL interpreters, and thereby improve the efficiency and effectiveness of their services.⁴⁹ Providers can "attract and retain qualified CAs for whom working at the companies' call centers is not a practical option," and there is evidence that working at home "can reduce CA stress and improve productivity and performance."⁵⁰

13. Based on the comments and our three years of experience with waivers of the at-home call handling cap, we conclude that these benefits can be increased by continuing to allow VRS providers more flexibility to let their CAs work at home.⁵¹ Such hiring flexibility has taken on enhanced importance due to the continuing shortage of sign language interpreters willing to work as VRS CAs.⁵² In

⁴³ Sorenson Comments at 2-3; Convo Comments at 5; GlobalVRS Comments at 4-8; AARO Comments at 2-3; ZP Reply at 1-2; Stellato Comments at 1; Miles Express Comment.

⁴⁴ Sorenson Comments at 5-7; Convo Comments at 5-6; GlobalVRS Comments at 8-11; AARO Comments at 5-7; ZP Reply at 4-7.

⁴⁵ AARO Comments at 7-9; Convo Comments at 5; Sorenson Comments at 7-8; GlobalVRS Comments at 12-17; ZP Reply at 7-9.

⁴⁶ Convo Comments at 7-11; Sorenson Comments at 8-9; GlobalVRS Comments at 17-18; ZP Reply at 9-10; Stellato Comments at 1.

⁴⁷ See *Notice*, para. 27; 47 CFR § 64.604(b)(8)(i) (2023); *infra* Appx. B (adding section 64.604(d)(7)).

⁴⁸ See Sorenson Comments at 2-3; Convo Comments at 5; GlobalVRS Comments at 4-8; AARO Comments at 2-3; ZP Reply at 1-2.

⁴⁹ *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 833-34, para. 7.

⁵⁰ *Id.*

⁵¹ See GlobalVRS Comments at 5 (providers have been able to employ interpreters that would not otherwise have considered employment either due to the interpreter's geographic or personal circumstances that would have made working from a company call center full time impossible); Sorenson Comments at 3; Convo Comments at 5; ZP Reply at 1-2.

⁵² See Convo Comments at 4; GlobalVRS Comments at 1, 3; ZP Reply at 4 n.12; see also *Notice*, para. 26 n.96; Rolka Loube, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Structure and Practices of the Video Relay Service Program, Interstate Telecommunications Relay Services Fund, Payment Formula and Fund Size Estimate, CG Docket Nos. 03-123, 10-51, at 13 (filed May 1, 2023) (2023 TRS Report) (noting that, according to provider cost reports, CA-related costs are projected to increase by an average of 26.22% between 2022 and 2023); Sorenson *Ex Parte*, CG Docket No. 10-51, at 2 (filed April 10, 2023) (hourly wages for sign language interpreters increased from 2021 to 2022 to "address the pressing need to

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addition, the comments confirm that, post-pandemic, many VRS CAs have become acclimated to working at home and are reluctant to return to call centers.⁵³

14. *Cost.* We conclude that additional costs resulting from this rule will be minimal. We note that, because TRS Fund compensation is set for multi-year periods, providers generally have an incentive to avoid or reduce unnecessary costs, as the increased profits that result can be kept and no offsetting rate reduction is likely before the end of the compensation period.⁵⁴ Therefore, VRS providers generally are unlikely to increase their reliance on CAs working at home unless doing so enables a net reduction in cost.⁵⁵ Further, as noted above, allowing more minutes to be handled by such CAs will expand the pool of potential job candidates and help alleviate the shortage of qualified interpreters available for VRS work. In addition, an expanded labor supply also would tend to limit the wages and benefits that VRS providers must offer to recruit qualified CAs.⁵⁶ We also conclude that the safeguards of our at-home rules are sufficient to prevent adverse effects on call confidentiality and service quality, and reduce the risk of waste, fraud, and abuse.⁵⁷ The anecdotal incidents cited by AARO and others in this regard,⁵⁸ which can be addressed through enforcement of the existing safeguards,⁵⁹ do not justify reimposing a cap that could constrict the available supply of qualified VRS CAs.⁶⁰

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fairly compensate video interpreters and keep them working in the VRS Program”); Convo *Ex Parte* at 5 (filed May 10, 2023) (“express[ing] its deep concern about the state of the pipeline for new interpreters”). See also National Deaf Center, *The ASL Interpreter Shortage and Its Impact on Accessibility in College Settings* (Dec. 2, 2022) (“the national shortage of American Sign Language interpreters has been especially challenging”), <https://nationaldeafcenter.org/news-items/the-asl-interpreter-shortage-and-its-impact-on-accessibility-in-college-settings/>; Vanessa Ontiveros, Yakima Herald-Republic, *Deaf students are entitled to an education, but there’s a shortage of people qualified to teach them* (Feb. 19, 2023) (the shortage of sign language interpreters is a nationwide issue), https://www.yakimaherald.com/news/local/education/deaf-students-are-entitled-to-an-education-but-there-s-a-shortage-of-people-qualified/article_a76039e4-ae28-11ed-9cb3-fb9e753b7e50.html.

⁵³ See Convo Comments at 5 (increasing the at-home cap will enable VRS providers to retain CAs who may not wish to return to call centers); Sorenson Comments at 3 (reporting that many video interpreters have expressed a preference to continue working from home); ZP Reply at 1-2 (asserting that forcing CAs to commute to an office location would cause some CAs to opt for other employment opportunities); see also *Notice*, para. 28 & n.105.

⁵⁴ Cf. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Report and Order and Further Notice of Proposed Rulemaking, FCC 23-78 at 16-17, para. 33 (Sept. 28, 2023) (finding that, with multi-year compensation periods, providers can retain profits from reducing costs and are unlikely to spend money on wasteful or unnecessary research).

⁵⁵ See *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 835, para. 9 (“To the extent that the provision of at-home call handling does not result in cost savings or revenue-enhancing benefits such as increased customer loyalty, it is less likely that VRS providers will choose to continue or expand this practice.”).

⁵⁶ See Sorenson Comments at 3 (“At a time when it is already difficult to entice interpreters to commit time to VRS when community interpreting offers greater pay with more control over the work, the flexibility to offer video interpreters a work from home option has been important.”) (footnote omitted).

⁵⁷ See 47 CFR § 64.604(b)(8) (2023); *infra* Appx. B (moving the at-home rule to section 64.604(d)(7)); Sorenson Comments at 2-3; Convo Comments at 5; GlobalVRS Comments at 4-8; AARO Comments at 2-3; ZP Reply at 1-2.

⁵⁸ AARO Comments at 3-4 (citing reports from consumers of alleged violations of the requirement that each home workstation reside in a separate, secure workspace); Miles Express Comment (alleging multiple privacy violations by interpreters working at home); Stellato Comments at 1 (stating that some interpreters who work at home do not have an absolutely private space).

⁵⁹ See AARO Comments at 4-5. The Commission enforces at-home VRS call handling safeguards through complaints, review of reports, audits, and other actions.

⁶⁰ A consumer expressed concerns that raising the cap would reduce the availability of in-person interpreting services in the community. Miles Express Comment. The Commission’s mandate under the Act is to ensure that

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15. *Alternative Proposal.* While we agree that, for the most part, VRS providers are unlikely to add more at-home CAs if doing so will detract from service quality,⁶¹ we are unpersuaded that unlimited at-home interpreting should be allowed, as proposed by three VRS providers.⁶² In light of past and present concerns in this area, we conclude the safer course is to require a minimum level of call center staffing.⁶³ Requiring that at least 20% of monthly minutes be handled in a call center provides assurance that each provider will continue to maintain sufficient call center staffing so that newly hired or inexperienced CAs can benefit from in-person supervision or mentoring by CAs with VRS experience.⁶⁴ Further, an 80% cap allows VRS providers ample flexibility to hire from an expanded pool of candidates and honor CAs' work preferences.⁶⁵ Indeed, the record provides no persuasive evidence that an 80% cap will adversely affect any provider's ability to hire qualified CAs or to provide high-quality service.⁶⁶ In the future, if such evidence emerges, this issue may be revisited.

16. We also decline GlobalVRS's suggestion that the rule should continue to apply a 50% cap to newly certified VRS providers pending their achievement of a record of compliance.⁶⁷ New applicants are required to demonstrate that they will comply with all applicable minimum TRS standards.⁶⁸ Any compliance concerns that the Commission may have regarding a particular applicant for

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relay services are available to eligible users. 47 U.S.C. § 225. Expanding the opportunities for sign-language interpreters to work at home as VRS CAs will further that mandate. Further, such opportunities can encourage more entry into the field of sign-language interpreters—and encourage more qualified interpreters to continue in the profession—by enabling them to combine part-time work as VRS CAs with community interpreting assignments. ZP Better Together, for example, emphasizes on its recruitment website for new CAs that interpreters “can work a combination of VRS and Community assignments.” See <https://www.purplevrs.com/jointheteam> (last visited Oct. 17, 2023). In addition, Convo, in its Petition, stated that many interpreters only want a short assignment or want to supplement their community-interpreting income by working limited shifts as a VRS CA. Convo Petition at 11.

⁶¹ See Sorenson Comments at 4 (“The Commission’s mandatory minimum standards already set the baseline for proper handling of VRS calls, and competition among providers further ensures that providers make staffing choices that enable them to handle calls appropriately.”).

⁶² GlobalVRS Comments at 8-11; Sorenson Comments at 2-5; ZP Reply at 2-4 (arguing that there is no empirical need to impose an artificial cap given there is no potential risk of service quality degradation).

⁶³ AARO Reply at 2-3 (supporting a cap because of past violations, and complexity of compliance does not mean the cap is not a proper safeguard for VRS quality); see also *2011 VRS Call Practices Order*, 26 FCC Rcd at 5556-5559, paras. 16-20.

⁶⁴ See Sorenson Comments at 5 (“Sorenson intends to continue operating and relying on traditional call centers”); ZP Reply at 3 (“there are a good number of Vis who must, or would prefer, to work at a call center for various reasons, commonly due to not having a room at their residence suitable for at-home workstation use, or simply a matter of personal preference”). Although the cap has been waived for several years, no provider has relied exclusively on at-home CAs. Thus, arguments that service quality would be unaffected by complete removal of the cap, ZP Reply at 2-4, have not been empirically tested.

⁶⁵ Cf. Sorenson Comments at 2-5 (urging elimination of the cap to allow providers flexibility in managing their workforce).

⁶⁶ GlobalVRS claims that retention of a cap will introduce new challenges for balancing call distribution between at-home and call center interpreters. GlobalVRS Comments at 5-6. However, GlobalVRS provides no detail indicating the nature of such challenges, or why they would be any more difficult to address than the daily staff scheduling and call distribution challenges VRS providers routinely face. We note that the rule allows two alternative methods for calculating the at-home minutes cap, making compliance easier to achieve when total minutes cannot be accurately predicted for a given month. See 47 CFR § 64.604(b)(8)(i)(A), (B) (2023); *infra* Appx. B (amending and moving this provision to 47 CFR § 64.604(d)(7)(i)).

⁶⁷ See GlobalVRS Comments at 19-20; *Structure and Practices of the Video Relay Service Program*, Second Report and Order, CG Docket No. 10-51, 26 FCC Rcd 10898, 10914-15, para. 37 (2011) (*2011 TRS Certification Order*).

⁶⁸ 47 CFR § 64.606(a)(2), (b)(2).

new or renewed certification as a VRS provider may be addressed by adding appropriate conditions for the certification of that applicant.⁶⁹

17. *Transitioning.* Given that the cap has been entirely waived since the onset of the COVID-19 pandemic, and that the current waivers are extended through the compliance date of this rule amendment,⁷⁰ we understand that some providers may currently have more than 80% of their CAs working at home.⁷¹ Ending the current waiver immediately upon the effective date of the amended rule could require such VRS providers to immediately terminate the employment of some CAs for whom working at a call center may be impractical. In light of the shortage of CAs, we determine that a transition period of six months is needed to allow those VRS providers that currently exceed the cap an opportunity to bring their work forces into compliance with the 80% cap without terminating the employment of any CAs. We therefore establish a compliance date of six months after the effective date of this rule change.⁷²

2. Experience Requirement for CAs Working at Home

18. We modify the prior experience requirement for VRS CAs working at home, reducing the required amount of ASL interpreting experience from three years to one year.⁷³ The year of experience may be acquired through professional ASL interpreting, either full-time or equivalent part-time, whether in a community, business, VRS, or other context.⁷⁴

19. The record persuades us that this modification—in conjunction with increasing the cap on at-home minutes—will help ensure a sufficient supply of qualified VRS CAs after the current waivers expire.⁷⁵ Further, notwithstanding the concerns raised by AARO,⁷⁶ the record does not show that this change will significantly affect the quality of VRS. The rule will continue to require that any VRS CA allowed to work at home “has the experience, skills, and knowledge necessary to effectively interpret VRS calls without in-person supervision, has learned the provider’s protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards.”⁷⁷ Further, VRS providers must provide at-home CAs with the same support and supervision as CAs in call centers.⁷⁸ These rules, coupled with the technical requirements for effective supervision,⁷⁹ provide assurance that teleworking

⁶⁹ See, e.g., *2011 TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

⁷⁰ See *infra* Part IV (Order).

⁷¹ See Letter from Amanda Montgomery, Chief Legal Officer, Convo Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123, 10-51, at 1 (filed June 1, 2023) (Convo June 2023 *Ex Parte*).

⁷² The effective date of this rule change is 30 days after publication of the final rule in the Federal Register. See *infra* para. 52.

⁷³ See *Notice*, para. 34 (proposing to amend 47 CFR § 64.604(b)(8)).

⁷⁴ *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 836-37, para. 14.

⁷⁵ See Convo Comments at 5-7; GlobalVRS Comments at 8-11; Sorenson Comments at 5-7; ZP Reply at 4-7; see also *supra* para. 13 (discussing the shortage of CAs).

⁷⁶ AARO Comments at 5-7.

⁷⁷ See *infra* Appx. B (moving this provision to 47 CFR § 64.604(d)(7)(ii)(A)); see also 47 CFR § 64.604(a)(1), (1)(iv) (requiring VRS providers to ensure that their CAs are “able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary”); Sorenson Comments at 6.

⁷⁸ 47 CFR § 64.604(b)(8)(ii)(B) (2023); see also *infra* Appx. B (moving this provision to 47 CFR § 64.604(d)(7)(ii)(B)).

⁷⁹ See 47 CFR § 64.604(b)(8)(iii) (2023); see also *infra* Appx. B (moving this provision to 47 CFR § 64.604(d)(7)(iii)).

CAs will handle calls efficiently and effectively in the home environment.⁸⁰ In addition, retaining a one-year experience requirement provides a metric for further assurance that CAs working at home have a baseline level of practical field experience.⁸¹ While AARO asserts that remote supervision does not provide “the same experience as in-person . . . supervision,”⁸² providers’ reports of their practices over the last three years, while the at-home experience requirement was waived,⁸³ support our belief that competition will help ensure that VRS providers continue to prioritize training and screening of CAs, including those they allow to work at home.⁸⁴ AARO does not convincingly explain its contrary view that providers have insufficient incentive to hire the most qualified applicants.⁸⁵ Finally, for the same reasons discussed above regarding the percentage cap on at-home minutes,⁸⁶ we find it unlikely that allowing providers more flexibility in hiring CAs will cause a net increase in the cost of VRS.

20. On the other hand, we share to some extent the concerns raised by AARO that, when interpreters are still learning their craft, training and supervision are generally more effective when conducted in person, rather than remotely.⁸⁷ Therefore, notwithstanding providers’ arguments that a specific experience requirement is unnecessary,⁸⁸ we retain a requirement that CAs working at home have at least one year of interpreting experience. Retaining a one-year experience requirement ensures that CAs with very limited interpreting experience are subject to in-person supervision.⁸⁹

⁸⁰ See Convo Comments at 5-6 (Convo agrees that other safeguards currently in the Commission’s rules will ensure service quality and thereby further obviate the need for the three-year experience requirement).

⁸¹ Cf. AARO Comments at 6 (“While flexible safeguards may be necessary so that they may evolve with technology, there should be an objective, easy-to-measure safeguard as well to preserve VRS quality.”).

⁸² AARO Comments at 6.

⁸³ See, e.g., GlobalVRS Comments at 9 (explaining its practice of hiring CAs on the basis of the candidate’s skills, experience, attitude, and professionalism, and then engaging in extensive initial and ongoing training of all CAs – all of which the CAs then apply when working at home); ZP Reply at 5; *id.* at 7 (“Years of experience in the VRS industry demonstrates that in-person supervision is not necessary and that remote teaming and supervision on demand has proven to be as effective as in-person supervision.”); Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Company, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, at 3-4 (filed Mar. 15, 2022) (ZP March 15 *Ex Parte*) (ZP has an extensive onboarding process for new CAs, engages the deaf community and leaders in interpreting training to assess all candidates’ skills, and employs an extensive training curriculum and call quality monitoring assessment.).

⁸⁴ See Notice, para. 36; ZP Reply at 5 (“It is the competition among providers that inherently further ensures they make staffing choices that enable them to handle calls appropriately just as they did throughout the pandemic”). We note that the VRS program is structured to promote service quality competition among VRS providers. See 2017 VRS Compensation Order, 32 FCC Rcd at 5907, para. 31 (“The Commission has consistently sought to encourage and preserve the availability of a competitive choice for VRS users, because it ensures a range of service offerings analogous to that afforded voice service users and because it provides a competitive incentive to improve VRS offerings.”); *id.* at 5908-09, paras. 33-35.

⁸⁵ AARO Comments at 7 (asserting that “[i]f each provider is drawing from a similar pool of less-qualified applicants, there would not necessarily be competitive pressure to improve”).

⁸⁶ See *supra* para. 14.

⁸⁷ AARO Comments at 5-7.

⁸⁸ See Sorenson at 6 (contending that the experience rule “is unnecessary because the Commission already has rules designed to ensure that interpreters are qualified”); ZP Reply at 7 (“Years of experience in the VRS industry demonstrates that in-person supervision is not necessary and that remote teaming and supervision on demand has proven to be as effective as in-person supervision.”).

⁸⁹ Cf. AARO Comments at 6 (“While flexible safeguards may be necessary so that they may evolve with technology, there should be an objective, easy-to-measure safeguard as well to preserve VRS quality.”); see also

(continued....)

21. We recognize that providers have allowed CAs with less than three years' experience to work at home while this requirement has been waived, and some of those CAs may not meet the one-year experience requirement as of the date the new rule goes into effect.⁹⁰ As proposed by Convo and to prevent disruption of the VRS industry and CAs' personal lives, we grandfather in those CAs working at home as of the effective date of this rule amendment, as long as they meet all other interpreter qualification and at-home requirements.⁹¹

22. We decline to convert the experience requirement into an equivalent number of minutes of calls handled, as AARO suggests.⁹² The prior experience requirement can be met via full-time or equivalent part-time experience,⁹³ and part-time experience is typically quantified in hours. Timing a CA's prior experience in minutes would place an unnecessary burden on applicants for CA employment. We also decline to require that prior experience be acquired solely from in-person interpreting.⁹⁴ Because it is gained in a remote context analogous to VRS, VRI experience is relevant to a CA's qualifications to provide VRS, whether at-home or in a call center.⁹⁵

3. Other Issues

23. In the *2020 VRS At-Home Call-Handling Order*, in response to a request for clarification of the home inspection requirements,⁹⁶ the Commission explained that the rule does not specify how home workplace inspections must be conducted, as long as such inspections are consistent with the provider's at-home compliance plan and are effective in determining whether the CA's home workstation and workspace are in compliance with the at-home safeguards.⁹⁷ Commenters on the *Notice* requested additional clarification whether these inspections should be conducted in-person or virtually.⁹⁸ We further clarify that such inspections may be conducted either in-person or virtually.

24. We do not require that CAs annually self-certify that they have complied with the FCC's at-home rules, as AARO recommends.⁹⁹ While AARO alludes to "gaps in implementation" of our existing rules governing at-home CAs and says, "it seems that certain CAs are either not properly informed of their responsibilities or do not have sufficient incentive to comply,"¹⁰⁰ AARO does not provide evidence or examples to substantiate these concerns. In 2020, the Commission deleted a rule requiring that, *before* working at home, CAs sign written certifications as to their understanding of and

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Convo June 2023 *Ex Parte* at 2 (recognizing "the need to provide a measure of competency in response to consumer concerns regarding a screening process before interpreters handle calls in an at-home environment").

⁹⁰ See Convo June 2023 *Ex Parte* at 2.

⁹¹ See *id.* The effective date of this rule amendment is 30 days after publication of the amended rule in the Federal Register. See *infra* para. 52.

⁹² AARO Comments at 7.

⁹³ *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 836-37, para. 14.

⁹⁴ See AARO Comments at 7.

⁹⁵ See *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 836-37, para. 14.

⁹⁶ 47 CFR § 64.604(b)(8)(iv)(A), (E) (requiring VRS providers to inspect each home workstation and its home environment before activating the workstation for use, and to conduct random and unannounced inspections of at least five percent (5%) of all home workstations, including their home environments, in each 12-month period); *infra* Appx. B (moving this provision to 47 CFR § 64.604(d)(7)(iv)(A), (E)).

⁹⁷ *2020 VRS At-Home Call-Handling Order*, 35 FCC Rcd at 840, para. 23.

⁹⁸ See Sorenson Comments at 9-10; ZP Reply at 10-11.

⁹⁹ AARO Comments at 4-5.

¹⁰⁰ *Id.* at 4.

commitment to comply with the Commission’s TRS rules.¹⁰¹ The Commission stated:

VRS providers are required to effectively train and supervise at-home CAs and are responsible for their CAs’ compliance with the minimum TRS standards. In light of the resulting incentives for VRS providers to ensure CA quality and rule compliance, additional regulation of providers’ internal processes appears unnecessary.¹⁰²

For the same reasons, we find that a retrospective CA certification of compliance would not significantly improve on the requirements already in place.

B. Contracting for CAs

25. The Commission adopts its proposal to modify the TRS rules’ restriction on contracting for CA services, to allow VRS providers to contract for interpretation services for up to 30% of their monthly call minutes.¹⁰³

26. The record confirms our belief that this change, like others adopted in this Report and Order, will help maintain efficient, effective relay service despite the continuing shortage of VRS CAs. Authorizing contractual CA service will allow providers flexibility to continue retaining the services of qualified ASL interpreters who prefer not to sign up as VRS provider employees.¹⁰⁴ Contract CAs also can help providers respond to short term fluctuations in both demand and CA availability.¹⁰⁵ By contrast, reinstating the ban on contract CAs, as several commenters urge,¹⁰⁶ may decrease the flexibility of VRS providers to meet demand, for example, when a weather event causes both a spike in traffic and the closing of a call center, potentially compromising the overall quality of service for many VRS users.¹⁰⁷

27. In the three years during which the CA contracting restriction has been waived, the Commission has not received any evidence of resulting fraud, waste, or abuse. We conclude that, by limiting the percentage of a VRS provider’s traffic handled by contractors and by adopting the safeguards discussed below, we can safely authorize limited use of contractors while preventing a recurrence of “the troubled history of subcontracting video interpreters from uncertified providers.”¹⁰⁸ We also conclude that, as with the less restrictive at-home rules adopted herein,¹⁰⁹ the provider economic incentives inherent in a multi-year compensation plan make it unlikely that less restrictive contracting rules will result in higher VRS cost.

¹⁰¹ See 2020 VRS At-Home Call-Handling Order, para. 16.

¹⁰² *Id.* (footnotes omitted).

¹⁰³ Notice, para. 40. The current rules prohibit VRS providers from contracting for interpretation services with any party who is not also a certified VRS provider. 47 CFR § 64.604(c)(5)(iii)(N)(I)(iii) (2023).

¹⁰⁴ Convo Petition at 11 (many of the VRS interpreters it hires through a contractor “only want a short assignment or want to supplement their community-interpreting income by working limited shifts as a [VRS CA]”).

¹⁰⁵ Convo Comments at 5 (“the ability to fall back on contract [CAs] can ensure adequate staffing levels in the event of a dramatic shift in demand”); AARO Comments at 8 (“contracting for CAs is a reasonable action to address the CA shortage”); see also Notice, paras. 42-43.

¹⁰⁶ GlobalVRS Comments at 12-17; Sorenson Comments at 7-8; ZP Reply at 7-9.

¹⁰⁷ AARO Reply at 2; Convo Reply at 9.

¹⁰⁸ Sorenson Comments at 2; see also Notice, para. 45; AARO Comments at 8 (agreeing that allowing contracting for CAs is a reasonable action if accompanied by registration and accountability requirements).

¹⁰⁹ See *supra* paras. 14, 19.

28. We find that adopting the following safeguards will enable the Commission to effectively oversee the use of contract CAs.¹¹⁰ First, we require VRS providers to maintain and allow inspection by the Commission and TRS Fund Administrator of all records describing CA services provided under contract (in addition to the contracts themselves and any amendments),¹¹¹ including any invoices and correspondence regarding such services. Second, we require a VRS provider to identify, in its monthly call data reports, each entity with which it has contracted for interpretation services and the number of conversation minutes handled by each, as well as the CAs working on a contract basis.¹¹² Third, we require VRS providers, in their annual reports, to identify each entity with which it has contracted for interpretation services and the number of conversation minutes handled by each in the year covered by the report.¹¹³

29. To reduce incentives for fraud and abuse, a provision of our current rules prohibits VRS providers from providing compensation or other benefits to CAs in any manner that is based upon the number of VRS minutes or calls that the CA relays, “either individually or as part of a group.”¹¹⁴ We amend this provision to clarify that this prohibition applies to compensation or other benefits provided to an agency or other entity with which a VRS provider contracts for CA services. We also amend the rule to expressly prohibit VRS providers from paying contractors based on session or conversation minutes.¹¹⁵

30. We emphasize that current rules require that VRS must be offered in the name of—and billed to the TRS Fund by—the certified VRS provider, in a manner that clearly identifies that entity as the provider of the service.¹¹⁶ Further, the Commission’s rules governing CAs who work at home remain applicable when contract CAs are working at home.¹¹⁷ If a VRS provider allows contract CAs to work at home, it is the VRS provider’s responsibility to ensure compliance with each provision of paragraph (d)(7) of section 64.604 of this chapter, as well as all other applicable minimum TRS standards. To the extent that a VRS provider wishes to delegate certain oversight tasks to an agency that employs such CAs, it may do so, but the VRS provider must ensure compliance with the Commission’s rules, whether by including specific oversight provisions in its contract with the agency, or otherwise.

¹¹⁰ See *Notice*, paras. 46, 49; see also Convo Reply to Convo Petition Public Notice, at 9 (Aug. 3, 2021) (“If the Commission has concerns about permitting limited contract interpreting on a permanent basis . . . , Convo is amenable to the adoption of additional safeguards”); AARO Comments at 7-8 (“conditions could be imposed to limit the risk of waste, fraud, and abuse”).

¹¹¹ See *infra* Appx. B (adding 47 CFR § 64.604(d)(1)(v)). The Commission’s rules currently require that VRS providers’ contracts with third parties be in writing and be made available to the Commission and the TRS Fund administrator upon request. 47 CFR § 64.604(c)(5)(iii)(N)(I)(v) (2023).

¹¹² See *infra* Appx. B (adding 47 CFR § 64.604(c)(5)(iii)(D)(8)).

¹¹³ See *infra* Appx. B (adding 47 CFR § 64.604(d)(2)(iv)). We also note that a VRS provider must notify the Commission within 60 days after contract CAs begin handling calls in a facility operated by a contracting agency. See 47 CFR § 64.606(f)(2).

¹¹⁴ 47 CFR § 64.604(c)(5)(iii)(N)(3).

¹¹⁵ See *infra* Appx. B (adding 47 CFR § 64.604(d)(3)). Convo Petition Reply at 9. That is, a CA who contracted to work four hours on each of two days would receive a flat rate for each hour of availability, without regard to call minutes actually handled during those eight hours.

¹¹⁶ See 47 CFR § 64.604(c)(5)(iii)(N)(I)(ii) (2023); *infra* Appx. B (moving this provision to 47 CFR § 64.604(d)(1)(ii)).

¹¹⁷ For example, the monitoring and oversight obligations of the at-home rules also apply to home workstations of contract CAs, and these home workstations are subject to a VRS provider’s obligation to conduct random and unannounced inspections of at least five percent of all home workstations, including their home environments, in each 12-month period. 47 CFR § 64.604(b)(8)(iv)(E) (2023). As another example, a VRS provider must ensure that each contract CA working at home “has learned the provider’s protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards set out in this section.” *Id.* § 64.604(b)(8)(ii)(A).

31. We do not believe it is necessary for our rules to address the speculative concerns raised by GlobalVRS regarding potential disclosure by contractors of a provider's trade secrets and the application of tax law to contract CAs.¹¹⁸ We do not require any VRS provider to use contract CAs, and we agree with Convo and AARO that VRS providers are responsible for complying with all federal and state laws on taxation or other matters affecting contracted CAs, as with their own employees.¹¹⁹

C. International Calling Restrictions

32. We adopt the proposed modification of the Commission's rule on VRS calls originating from international IP addresses and terminating in the United States.¹²⁰ As modified, the rule permits compensation for such international VRS calls during a travel period of up to one year, if the user's default VRS provider has been notified of the user's travel at any time prior to placing such calls.¹²¹ The content of the required notification must include the specific regions of travel, the date of departure from the United States, and the approximate date when the individual intends to return to the United States. Commenters are universally in support of these revisions to the international calling restrictions.¹²²

33. By allowing users to notify their providers any time before making the first compensable call from abroad (rather than before leaving the United States, as required by the current rule), this amendment aligns better with functional equivalence.¹²³ The current requirement to notify before leaving the country may unnecessarily restrict users from calling the United States while traveling abroad, for example, in unforeseen circumstances or emergencies when the user may not have anticipated needing to make a call.¹²⁴ The record does not indicate that the less restrictive approach we adopt will impose additional costs on VRS providers or users. By reducing the unnecessarily broad application of the international calling rule, our amendment may reduce administrative costs incurred by providers, the TRS Fund administrator, and Commission staff to implement the rule. Further, this change will not increase any risk of waste, fraud, or abuse, given the effective anti-fraud measures currently in place, as described below.¹²⁵

34. This amendment also codifies the declaratory ruling issued by the Commission in June 2022, which interpreted the existing rule to allow compensation for international calls placed by a registered user who is traveling for up to one year.¹²⁶ As explained in the *June 2022 Ruling*, the prior interpretation of the rule, under which a VRS user's travel period could not exceed four weeks, imposed unnecessary restrictions on VRS use by consumers who are traveling internationally.¹²⁷ That interpretation was adopted at a time when the VRS program was plagued by fraud and abuse.¹²⁸ Since then, the Commission's anti-fraud measures, including requirements for call validation and user

¹¹⁸ GlobalVRS Comments at 14-15.

¹¹⁹ Convo Reply at 9; *see also* AARO Reply at 4-5.

¹²⁰ *See Notice*, paras. 51-60.

¹²¹ *See infra* Appx. B (adding 47 CFR § 64.604(d)(6)(ii)). In other words, a VRS provider may request compensation for any such call placed after receiving the required notice from the user. The required notice need only be given once for each period of travel.

¹²² Sorenson Comments at 8-9; Convo Comments at 7-10; GlobalVRS Comments at 17-18; ZP Reply at 9-10; Stellato Express Comment.

¹²³ Convo Comments at 8-9; Sorenson Comments at 9; ZP Reply at 10.

¹²⁴ *See* Convo Comments at 9.

¹²⁵ *See id.* at 8-9; Sorenson Comments at 9; ZP Reply at 10.

¹²⁶ *See Notice*, paras. 51-54; *June 2022 Ruling*, paras. 67-70.

¹²⁷ *Notice*, para. 53; *June 2022 Ruling*, para. 68.

¹²⁸ *Notice*, para. 53; *June 2022 Ruling*, para. 68.

verification in the TRS User Registration Database,¹²⁹ appear to have been effective in suppressing illegal VRS calling.¹³⁰ We also note that, prior to the *June 2022 Ruling* and pursuant to the pandemic waiver orders, the prohibition on calling the United States from abroad was largely waived;¹³¹ in the three years since the outbreak of the pandemic, we have not received evidence of waste, fraud, or abuse resulting from this waiver.

35. No commenter disputes that one year is an appropriate maximum period for international travel and is consistent with section 225, which directs the Commission to ensure the availability of TRS to persons with hearing or speech disabilities “in the United States.”¹³² The Commission requires that compensable calls must either originate or terminate in the United States,¹³³ and that, to register for Internet-based TRS, a consumer must establish that he or she is a U.S. resident, at least on a temporary basis.¹³⁴ As explained in the *June 22 Ruling*, one year is long enough to cover most reasons why U.S. residents would be traveling abroad and is a reasonable “default” time limit to prevent the use of TRS funds to support VRS calls by persons who can no longer be considered U.S. residents.¹³⁵

36. We further adopt the proposed exception to the one-year maximum time period for calls to or from the United States by registered VRS users who are U.S. military personnel, federal government employees, or federal contractors (or their accompanying immediate family members) temporarily stationed outside the United States.¹³⁶ Three VRS providers support this exception, describing circumstances in which such VRS users may need to be abroad for longer durations.¹³⁷ Under this exception, the content of the required notification to the default provider must include the specific regions of foreign assignment, the date of departure from the United States, the contemplated end date for the foreign assignment,¹³⁸ and confirmation that the user (or a family member of the user) is a member of the

¹²⁹ 47 CFR § 64.615(a)(1) (call validation); 47 CFR § 64.615(a)(6) (user verification).

¹³⁰ *Notice*, para. 53; *June 2022 Ruling*, para. 68.

¹³¹ *June 2022 Ruling*, para. 68.

¹³² 47 U.S.C. § 225(b)(1) (“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.”).

¹³³ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, 25 FCC Rcd 1868, 1872, para. 9 (CGB 2010); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 25 FCC Rcd 6012, 6024, para. 27 (2010). In this context, “United States” includes U.S. Territories. See 47 U.S.C. § 153(58).

¹³⁴ See *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Order, 30 FCC Rcd 4806 (CGB 2015) (*2015 Bureau VRS Order*) (waiving the requirement that VRS providers obtain the last four digits of a user’s Social Security Number for persons in the United States without such identification); *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 30 FCC Rcd 1093, 1098-1100, paras. 13-14 (CGB 2015). Persons who may use TRS in the United States include temporary residents, such as foreign students attending colleges and universities in the United States.

¹³⁵ See *June 2022 Ruling*, para. 69.

¹³⁶ See *Notice*, para. 59. A family member would be eligible for this exception even if the federal military person, employee, or contractor does not use VRS.

¹³⁷ Convo Comments at 10; GlobalVRS Comments at 18; ZP Reply at 10. No commenters oppose the proposed exemption.

¹³⁸ If the user’s foreign assignment does not contain an end date, the user may specify an end date that is one year after the date of departure. If the assignment lasts longer, the user may follow the extension procedures discussed herein.

military services, or is employed by a federal government agency or federal contractor, and is temporarily stationed outside the United States. This exception will apply for the duration of the user's (or family member's) foreign assignment plus an additional time period following the end of such assignment to allow the user additional time to travel abroad and return to the United States. If the foreign assignment is extended or a change in the foreign assignment adds another international region, the user must notify his or her default provider of the new end date or new region of the assignment to continue making VRS calls during such extension or new region (plus the permitted additional time period). Further, if the intended end date of the foreign assignment is not known or otherwise unavailable as of the time of notification to the default VRS provider, the notification may specify, as the end date, a date that is one year from the date of departure from the United States, or, for extensions beyond one year, in one-year intervals from the prior specified end date. We also apply this exception to individuals placing calls to the United States from U.S. military and government organizations with enterprise VRS registrations.¹³⁹

37. However, we decline to expand this exception to include U.S. private-sector employees who are asked to work abroad by their U.S. employers, as well as the accompanying family members of such employees, as requested by Convo.¹⁴⁰ As noted above, one year is long enough to cover most reasons why U.S. residents would be traveling abroad, other than U.S. military and government workers for which extended time abroad is not uncommon. Further, enforcement of this limit with respect to U.S. military personnel, federal government employees, and federal contractors is relatively straightforward due to their official roles and well-documented assignments. Extending the exception to include private-sector employees and their family members is likely to pose more significant enforcement challenges, potentially increasing the risk of misuse or exploitation of the exception by individuals who are no longer U.S. residents by virtue of their extended time abroad.

D. Technical Correction to TRS Rules

38. We adopt a technical amendment of the Commission rules, proposed in December 2022, to clarify the inflation adjustment factor for IP Relay compensation.¹⁴¹ No comments were received regarding this proposed correction.

39. The annual inflation adjustment factor for IP Relay compensation, adopted in June 2022, is based on the Employment Cost Index compiled by the Bureau of Labor Statistics, U.S. Department of Labor, for total compensation for private industry workers in professional, scientific, and technical services.¹⁴² The Commission directed the TRS Fund administrator to specify in its annual TRS Fund report "the index values for each quarter of the previous calendar year and the last quarter of the year before that."¹⁴³ The Commission also directed the TRS Fund administrator to propose the IP Relay compensation level for the next TRS Fund year by adjusting the compensation level from the previous year by a percentage equal to the percentage change in the index between the fourth quarter of the calendar year ending before the filing of its annual report and the fourth quarter of the preceding calendar year.¹⁴⁴

¹³⁹ See 47 CFR § 64.611(a)(6) (allowing enterprise registration for VRS users).

¹⁴⁰ Convo Comments at 7, 10-11.

¹⁴¹ *Internet Protocol Captioned Telephone Service Compensation; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket Nos. 22-408, 03-123, 13-24, Notice of Proposed Rulemaking and Order on Reconsideration, FCC 22-97, paras. 47-48 (2022).

¹⁴² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition for Rulemaking of Sprint Corporation*, CG Docket No. 03-123, RM-11820, Report and Order, FCC 22-48, at 16, para. 41 (June 30, 2022).

¹⁴³ *Id.* at 17, para. 43.

¹⁴⁴ *Id.*

40. The method of determining the inflation adjustment factor is codified in section 64.640(d) of the Commission's rules.¹⁴⁵ We revise the text of the rule to clarify the description of the inflation adjustment factor, to eliminate any ambiguity as to how the inflation adjustment factor is calculated. The relevant provision of the rules currently reads (*italics added to highlight where the text of the rule is changed*):

(d) The inflation adjustment factor for a Fund Year (IF_{FY}), to be determined annually on or before June 30, is *1/100 times the difference between* the values of the Employment Cost Index compiled by the Bureau of Labor Statistics, U.S. Department of Labor, for total compensation for private industry workers in professional, scientific, and technical services, for the following periods:

(1) The fourth quarter of the Calendar Year ending 6 months before the beginning of the Fund Year; and

(2) The fourth quarter of the preceding Calendar Year.¹⁴⁶

As amended, this provision now reads (*italics added to highlight changed text*):

(d) The inflation adjustment factor for a Fund Year (IF_{FY}), to be determined annually on or before June 30, is *equal to the difference between the Initial Value and the Final Value, as defined herein, divided by the Initial Value. The Initial Value and Final Value, respectively, are* the values of the Employment Cost Index compiled by the Bureau of Labor Statistics, U.S. Department of Labor, for total compensation for private industry workers in professional, scientific, and technical services, for the following periods:

(1) *Final Value.* The fourth quarter of the Calendar Year ending 6 months before the beginning of the Fund Year; and

(2) *Initial Value.* The fourth quarter of the preceding Calendar Year.¹⁴⁷

IV. ORDER

41. In this Order, we extend the current waivers of several rules amended in the *Report and Order* as follows: (1) the waiver of the 50% cap on at-home CA call minutes¹⁴⁸ is extended until the compliance date for the amended rule (six months after the effective date of the amended rule);¹⁴⁹ (2) the waiver of the requirement that CAs working at home have three years of experience as an ASL interpreter¹⁵⁰ is extended until the effective date of the amendment to this rule¹⁵¹ (i.e., until 30 days after publication of the final rule in the Federal Register); and (3) the waiver of the ban on contracting with

¹⁴⁵ 47 CFR § 64.640(d).

¹⁴⁶ *Id.* § 64.640(d).

¹⁴⁷ *See infra* Appx. B.

¹⁴⁸ *See* 47 CFR § 64.604(b)(8)(i).

¹⁴⁹ *See infra* Appx. B (adding 47 CFR § 64.604(d)(7)(i)). The effective date of the amendment is 30 days after publication in the Federal Register. *See infra* para. 52.

¹⁵⁰ *See* 47 CFR § 64.604(b)(8)(ii)(A).

¹⁵¹ *See infra* Appx. B (adding 47 CFR § 64.604(d)(7)(ii)(A)).

non-certified entities for VRS interpretation services¹⁵² is extended until the effective date of the amendment to this rule¹⁵³ (i.e., until 30 days after publication of the final rule in the Federal Register).

42. *Background.* To prevent disruption in the provision of VRS during the pandemic, each of the rules listed above was waived, on an emergency basis, through June 30, 2022.¹⁵⁴ In June 2022, when proposing to amend these rules, the Commission extended those waivers, recognizing that termination of those waivers while proposed amendments were pending—and while there continued to be a shortage of qualified VRS CAs—would impose unwarranted costs and burdens on the provision of VRS.¹⁵⁵ In June 2023, the Bureau extended the waivers for an additional six months.¹⁵⁶

43. *Waiver Standard.* A Commission rule may be waived for good cause shown.¹⁵⁷ In particular, waiver of a rule is appropriate where the particular facts make strict compliance inconsistent with the public interest.¹⁵⁸ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁵⁹ Waiver of a rule is appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest and will not undermine the policy underlying the rule.¹⁶⁰

44. We find there are special circumstances establishing good cause for a further extension of the expiration date of these waivers, to avoid an undesirable lapse in their application of these waivers to VRS providers. Given the continuing shortage of VRS CAs,¹⁶¹ allowing the current waivers to expire before the effective dates of these rule changes would needlessly impose costs on VRS providers to temporarily comply with rules that the Commission has determined are no longer necessary. Further, a longer extension is needed for the waiver of the cap on VRS minutes handled by CAs working at home. In the accompanying Report and Order, we recognize that some VRS providers currently exceed the amended 80% cap, and that a transition period of six months is needed to allow providers an opportunity to bring their work forces into compliance with the 80% cap without terminating the employment of any CAs.¹⁶² Therefore, we find good cause to extend these temporary waivers, on our own motion, until dates specified above for each rule.

V. PROCEDURAL MATTERS

45. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),¹⁶³ requires that an agency prepare a regulatory flexibility analysis for notice and comment

¹⁵² See 47 CFR § 64.604(c)(5)(iii)(N)(1)(iii).

¹⁵³ See *infra* Appx. B (adding 47 CFR § 64.604(d)(1)(iii)).

¹⁵⁴ See *supra* paras. 7, 9.

¹⁵⁵ *June 22 Order*, paras. 61-66.

¹⁵⁶ *June 2023 Extension Order*, para. 7.

¹⁵⁷ 47 CFR § 1.3 (providing for suspension, amendment, or waiver of Commission rules, in whole or in part, for good cause shown).

¹⁵⁸ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁵⁹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

¹⁶⁰ *Northeast Cellular*, 897 F.2d at 1166.

¹⁶¹ See *supra* para. 13.

¹⁶² See *supra* para. 17.

¹⁶³ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

¹⁶³ 5 U.S.C. § 601 *et seq.*

rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”¹⁶⁴ Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes and policy contained in this Report and Order on small entities. The FRFA is set forth in Appendix C.

46. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Report and Order and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).¹⁶⁵

47. *Paperwork Reduction Act Analysis.* The Report and Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).¹⁶⁶ It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA.¹⁶⁷ OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002,¹⁶⁸ we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In Appendix C, we have assessed the effects of the required collection of information on these small entities.

48. *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

49. *Additional Information.* For additional information on this proceeding, contact Joshua Mendelsohn, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-559-7304, or Joshua.Mendelsohn@fcc.gov.

VI. ORDERING CLAUSES

50. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, and 225, the foregoing *Report and Order* IS ADOPTED, and the Commission’s rules are hereby AMENDED as set forth in Appendix B.

51. IT IS FURTHER ORDERED that, pursuant to sections 225 and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 225, 405, and section 1.429 of the Commission’s rules, 47 CFR § 1.429, and pursuant to the authority delegated in sections 0.141 and 0.361 of the Commission’s rules, 47 CFR §§ 0.141, 0.361, the Petition for Rulemaking and Interim Waiver filed by Convo Communications, LLC, IS GRANTED to the extent of the rule amendments set forth above.

52. IT IS FURTHER ORDERED that the *Report and Order* and the amendments to the Commission’s rules SHALL BE EFFECTIVE 30 days after publication of a summary in the Federal Register, except that the amendments to section 64.604(c)(5)(iii)(D)(8), (d)(1)(iii)(C), (d)(2)(iv), and (d)(6) will not become effective until OMB completes any review that the Consumer and Governmental Affairs Bureau determines is required under the Paperwork Reduction Act and provides an effective date by subsequent Public Notice.

¹⁶⁴ 5 U.S.C. § 605(b).

¹⁶⁵ *Id.* § 801(a)(1)(A).

¹⁶⁶ Pub. L. No. 104-13, 109 Stat 163 (1995) (codified at 44 U.S.C. §§ 3501-3520).

¹⁶⁷ 44 U.S.C. § 3507(d).

¹⁶⁸ Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520 (2016).

53. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Evaluation and Records Management, SHALL SEND a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

54. IT IS FURTHER ORDERED that the Commission's Office of the Secretary, Reference Information Center, SHALL SEND a copy of this *Report and Order*, including the associated Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

55. IT IS FURTHER ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, the foregoing *Order* IS ADOPTED.

56. IT IS FURTHER ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, and section 1.3 of the Commission's rules, 47 CFR § 1.3, the cap on at-home call minutes in section 64.604(b)(8)(i) of the Commission's rules, 47 CFR § 64.604(b)(8)(i), the three-year experience requirement for at-home CAs in section 64.604(b)(8)(ii)(A) of the Commission's rules, 47 CFR § 64.604(b)(8)(ii)(A), and the prohibition on contracting for VRS CAs in section 64.604(c)(iii)(5)(N)(I)(iii) of the Commission's rules, 47 CFR § 64.604(c)(iii)(5)(N)(I)(iii), are TEMPORARILY WAIVED, to the extent set forth in the *Order*.

57. IT IS FURTHER ORDERED that, pursuant to sections 1.4(b)(2) and 1.103(a) of the Commission's rules, 47 CFR §§ 1.4(b)(2), 1.103(a), the *Order* SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A
List of Commenting Parties

Comments

ASL Services Holding, LLC dba GlobalVRS (GlobalVRS)

Convo Communications, LLC (Convo)

Bethany Miles

National Association of the Deaf (NAD), Communication Service for the Deaf (CSD), Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRC), Rochester Institute of Technology / National Technical Institute for the Deaf Center on Access Technology (RIT / NTID), Deaf Seniors of America (DSA), Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing at Gallaudet University (DHH-RERC), National Black Deaf Advocates (NBDA), National Association for State Relay Administration (NASRA), Cerebral Palsy and Deaf Organization (CPADO), Clear2Connet Coalition, Registry of Interpreters for the Deaf, Inc. (RID), and National Cued Speech Association (NCSA) (collectively, Accessibility Advocacy and Research Organizations, or AARO)

Sorenson Communications, LLC (Sorenson)

Kristy Stellato

Reply Comments

AARO

Convo

Sorenson

ZP Better Together, LLC (ZP)

APPENDIX B**Final Rules**

The Federal Communications Commission amends Title 47 of the Code of Federal Regulations as follows:

Part 64 - MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. [to be completed prior to publication in the Federal Register], unless otherwise noted.

2. Amend section 64.604 by:
- a. Removing the prefatory language.
 - b. Removing and reserving paragraphs (a)(6), (a)(7), (b)(8), (c)(5)(iii)(N), and (c)(12).
 - c. Adding and reserving paragraph (c)(5)(iii)(D)(8).
 - d. Revising paragraph (d) and adding paragraph (e) to read as follows:

§ 64.604 Mandatory minimum standards.

(a) * * *

(6) [Reserved]

(7) [Reserved]

(b) * * *

(8) [Reserved]

(c) * * *

(5) * * *

(iii) * * *

(D) * * *

(8) [Reserved]

* * * * *

(N) [Reserved]

* * * * *

(12) [Reserved]

* * * * *

(d) *Additional provisions applicable to VRS.*

(1) *Eligibility for reimbursement from the TRS Fund.*

(i) Only an eligible VRS provider, as defined in paragraph (c)(5)(iii)(F) of this section, may hold itself out to the general public as providing VRS.

(ii) VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible

VRS provider. Providers must route all VRS calls through a single URL address used for each name or sub-brand used.

(iii)(A) Except as otherwise provided in this paragraph (iii), an eligible VRS provider shall not contract with or otherwise authorize any third party to provide call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.

(B) An eligible VRS provider may contract with third parties to provide interpretation services for up to a maximum of the greater of:

(1) Thirty percent (30%) of a VRS provider's total minutes for which compensation is paid in that month; or

(2) Thirty percent (30%) of the provider's average projected monthly conversation minutes for the calendar year, according to the projections most recently filed with the TRS Fund administrator.

(C) [Reserved]

(iv) To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.

(v) All third-party contracts or agreements entered into by an eligible provider must be in writing. Copies of such agreements shall be made available to the Commission and to the TRS Fund administrator upon request.

(2) *Call center reports.* VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1st and October 1st of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes:

(i) The complete street address of the center;

(ii) The number of individual CAs and CA managers; and

(iii) The name and contact information (phone number and e-mail address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change.

(iv) [Reserved]

(3) *Compensation of CAs.* VRS providers shall not compensate, give a preferential work schedule to, or otherwise benefit a CA, or an agency or other entity with which a VRS provider contracts for interpretation services, in any manner that is based upon the number of VRS session or conversation minutes or calls that a CA relays, either individually or as part of a group.

(4) *Remote training session calls.* VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund when the provider submitting minutes for such a call has been involved, in any manner, with such a training session. Such prohibited involvement includes training programs or comparable activities in which the provider or any affiliate or related party thereto, including but not limited to its subcontractors, partners, employees or sponsoring organizations or entities, has any role in arranging, scheduling, sponsoring, hosting, conducting or promoting such programs or activities.

(5) *Visual privacy screens/idle calls.* A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise

unresponsive or unengaged for more than five minutes, unless the call is a 9–1–1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.

(6) *International calls.* VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States.

(7) *At-home VRS call handling* —

(i) *Limit on minutes handled.* Beginning [**SIX MONTHS AND 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER**], in any calendar month, a VRS provider authorized by the Commission to employ at-home CAs may be compensated for minutes handled from home workstations up to a maximum of the greater of:

(A) Eighty percent (80%) of a VRS provider's total minutes for which compensation is paid in that month; or

(B) Eighty percent (80%) of the provider's average projected monthly conversation minutes for the calendar year, according to the projections most recently filed with the TRS Fund administrator.

(ii) *Personnel safeguards.* A VRS provider shall:

(A) Allow a CA to work at home only if the CA is a qualified interpreter with at least one year of full-time or equivalent part-time professional interpreting experience, has the experience, skills, and knowledge necessary to effectively interpret VRS calls without in-person supervision, has learned the provider's protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards set out in this section, except that any CAs working at home as of [**30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER**] are not required to have at least one year of experience as long as they meet all other interpreter qualifications specified in this paragraph (A); and

(B) Provide at-home CAs equivalent support to that provided to CAs working from call centers, including, where appropriate, the opportunity to team-interpret and consult with supervisors, and ensure that supervisors are readily available to resolve problems that may arise during a relay call.

(iii) *Technical and environmental safeguards.* A VRS provider shall ensure that each home workstation enables the provision of confidential and uninterrupted service to the same extent as the provider's call centers and is seamlessly integrated into the provider's call routing, distribution, tracking, and support systems. Each home workstation shall:

(A) Reside in a separate, secure workspace where access during working hours is restricted solely to the CA;

(B) Allow a CA to use all call-handling technology to the same extent as call-center CAs;

(C) Be capable of supporting VRS in compliance with the applicable mandatory minimum standards set out in this section to the same degree as at call centers;

(D) Be equipped with an effective means to prevent eavesdropping and outside interruptions; and

(E) Be connected to the provider's network over a secure connection to ensure caller privacy.

(iv) *Monitoring and oversight obligations.* A VRS provider shall:

(A) Inspect each home workstation and its home environment to confirm their compliance with paragraph (d)(7)(iii) of this section before activating the workstation for use;

- (B) Assign a unique workstation identification number to each VRS home workstation;
 - (C) Equip each home workstation with monitoring technology sufficient to ensure that off-site supervision approximates the level of supervision at the provider's call center and regularly analyze the records and data produced by such monitoring to proactively address possible waste, fraud, and abuse;
 - (D) Keep all records pertaining to home workstations, except records of the content of interpreted conversations, for a minimum of five years; and
 - (E) Conduct random and unannounced inspections of at least five percent (5%) of all home workstations, including their home environments, in each 12-month period.
- (v) Commission audits and inspections. Home workstations and workstation records shall be subject to review, audit, and inspection by the Commission and the TRS Fund administrator and unannounced on-site inspections by the Commission to the same extent as call centers and call center records subject to the rules in this chapter.
- (vi) Monthly reports. With its monthly requests for compensation, a VRS provider employing at-home CAs shall report the following information to the TRS Fund administrator for each home workstation:
- (A) The home workstation identification number and full street address (number, street, city, state, and zip code);
 - (B) The CA identification number of each individual handling VRS calls from that home workstation; and
 - (C) The call center identification number, street address, and name of supervisor of the call center responsible for oversight of that workstation.
- (8) *Discrimination and preferences.* A VRS provider shall not:
- (i) Directly or indirectly, by any means or device, engage in any unjust or unreasonable discrimination related to practices, facilities, or services for or in connection with like relay service,
 - (ii) Engage in or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or
 - (iii) Subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.
- (e) *Other standards.* The applicable requirements of § 9.14 of this chapter and §§ 64.611, 64.615, 64.621, 64.631, 64.632, 64.5105, 64.5107, 64.5108, 64.5109, and 64.5110 are to be considered mandatory minimum standards.

3. Delayed indefinitely, further amend section 64.604 by revising paragraphs (c)(5)(iii)(D)(8), (d)(1)(iii)(C), (d)(2)(iv), and (d)(6) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(D) * * *

(8) *Calls handled by contractors.* A VRS provider that contracts for interpretation services shall identify in its monthly call data reports each entity with which it has contracted for interpretation services, each CA working on a contract basis, and the number of conversation minutes handled by each such CA.

* * * * *

(d) * * *

(1) * * *

(iii) * * *

(C) A VRS provider that contracts for interpretation services shall maintain records of all services provided by contracting CAs or agencies. If a VRS provider allows contract CAs to work at home, the VRS provider remains obligated to comply with each provision of 47 CFR § 64.604(d)(7).

* * * * *

(2) * * *

(iv) The name and contact information (phone number and email address) of each individual, agency, and other entity with which it has contracted for interpretation services and the number of conversation minutes handled by each such contractor during the six-month period.

* * * * *

(6) *International calls.*

(i) VRS calls that originate from an international IP address shall not be compensated, except in accordance with this section. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States and its territories.

(ii) A VRS provider may seek TRS Fund compensation for VRS calls placed to the United States by a United States resident who is a registered VRS user, provided that:

(A) Such calls are placed one year or less after the VRS user departs the United States; and

(B) At any time prior to placing such calls, the VRS user notifies the user's default provider of the specific region(s) of travel, the date of departure from the United States, and the intended date of return to the United States.

(iii) A registered VRS user may request approval from the Commission's Disability Rights Office for an extension of the one-year international calling period. Such request shall specify the extended return date and include a showing that the user's primary residence remains in the United States, even though the user will remain outside the United States longer than one year. Upon approval of such an extension, the user shall notify the user's default VRS provider of the extended return date, and the provider may seek compensation for international calls placed by the user through the end of such extended return date.

(iv) A VRS provider may seek TRS Fund compensation for VRS calls placed to the United States, pursuant to an individual or enterprise VRS registration, by a United States resident who is a United States military or federal government employee or contractor temporarily stationed abroad, or a parent, spouse, or child of such employee or contractor, provided that:

(A) Such calls are placed either during the period of such foreign assignment or within 90 days after its end date; and

(B) At any time prior to placing such calls, the registered VRS user, or the Relay Official or other responsible individual designated in an enterprise registration, notifies the default VRS provider of the specific regions of foreign assignment, the date of departure from the United States, and the intended end date of the foreign assignment, and that the user (or a parent, spouse, or child of the user) is a United States military or federal government employee or contractor, and is temporarily stationed outside the United States. If the foreign assignment is extended, the registered VRS user, or the Relay Official or other responsible individual designated in an enterprise registration, shall notify the default VRS provider of the extended end date of such foreign assignment and of any change of the region where the employee or contractor is stationed.

(C) If the intended end date of the foreign assignment is not known or otherwise unavailable as of the time of notification to the default VRS provider, the notification may specify, as the end date, a date that

is one year from the date of departure from the United States, or, for extensions beyond one year, in one-year intervals from the prior specified end date.

* * * * *

4. Amend section 64.606 by revising paragraphs (a)(2)(ii)(A)(2) and (a)(4) as follows:

§ 64.606 Internet-based TRS provider and TRS program certification.

(a) * * *

(2) * * *

(ii) * * *

(A) * * *

(2) Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that includes the information required under § 64.604(d)(2).

* * * * *

(4) *At-home VRS call handling.* An applicant for initial VRS certification that desires to provide at-home VRS call handling shall include a detailed plan describing how the VRS provider will ensure compliance with the requirements of § 64.604(d)(7).

5. Amend section 64.640 by revising paragraph (d) to read as follows:

§ 64.640 Compensation for IP Relay.

* * * * *

(d) The inflation adjustment factor for a Fund Year (IF_{FY}), to be determined annually on or before June 30, is equal to the difference between the Initial value and the Final value, as defined herein, divided by the Initial value. The Initial value and Final value, respectively, are the values of the Employment Cost Index compiled by the Bureau of Labor Statistics, U.S. Department of Labor, for total compensation for private industry workers in professional, scientific, and technical services, for the following periods:

(1) *Final value.* The fourth quarter of the Calendar Year ending 6 months before the beginning of the Fund Year; and

(2) *Initial value.* The fourth quarter of the preceding Calendar Year.

* * * * *

APPENDIX C

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking released in June 2022 (*Notice*) in this proceeding.² The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA.³ No comments were filed addressing the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.⁴

A. Need for, and Objectives of, the *Report and Order*

2. The amended rules in the *Report and Order* increase Video Relay Service (VRS) providers' flexibility to provide efficient, effective relay service, supported by the Interstate Telecommunications Relay Services Fund (TRS Fund or Fund), for individuals with hearing and speech disabilities despite the continuing shortage of VRS communications assistants (CAs), without sacrificing the Commission's goals of reducing waste, fraud and abuse within the VRS industry. The *Report and Order* (1) increases from 50% to 80% the cap on call minutes that can be handled by VRS CAs from home work stations, (2) reduces the three-year experience requirement for at-home VRS CAs to one year (waiving the one-year requirement for VRS CAs working at home as of the effective date), and (3) allows VRS providers to contract for interpretation services from external sources for up to 30% of their monthly call minutes. The purpose of these changes is to increase the pool of available VRS CAs and allow VRS providers more flexibility in their internal operations. Related to the amended rules, the included *Order* extends partial waivers of these rules until the effective date of those amendments and allows an additional six months transition to the amended percentage cap on at-home VRS minutes.

3. The *Report and Order* also modifies the rule restricting compensation from the TRS Fund for VRS calls to the United States from foreign locations. Currently, to be able to place such calls, VRS users must notify their default VRS provider prior to departure from the United States.⁵ Since the Commission adopted that rule, it has implemented the TRS User Registration Database (User Database) with detailed requirements for VRS user registration and identity verification. In the *Report and Order*, the Commission removes the pre-departure notification requirement, allowing VRS users to make calls to the United States as long as they notify their provider of their travel status any time prior to placing such calls. The Commission also codifies its earlier Declaratory Ruling that VRS providers may allow VRS calls to the United States by a registered user for up to one year while the user is abroad. As an exception to the one-year limitation, the *Report and Order* allows United State military personnel and federal government workers and contractors (and members of their immediate families) who are stationed abroad to make compensable VRS calls to the United States for the duration of their required service overseas.

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP) Captioned Telephone Service*; Petition for Rulemaking and Interim Waiver of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51, and 13-24, Report and Order, Notice of Proposed Rulemaking, Order, and Declaratory Ruling, FCC 22-51, (rel. June 30, 2022) (*Notice*).

³ See *Notice*, App. E.

⁴ 5 U.S.C. § 604.

⁵ 47 CFR § 64.604(b)(6); see also *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5564, para. 32 (2011) (*2011 VRS Call Practices Order*).

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

4. There were no comments filed that specifically addressed the proposed rules and policies presented in the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

5. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.⁶

6. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

7. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.⁷ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁸ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁹ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.¹⁰

8. The rules adopted in the *Report and Order* will affect the obligations of VRS providers. These services can be included within the broad economic category of All Other Telecommunications. There are currently four providers of VRS: Sorenson Communications, LLC, ZP Better Together, LLC, and Convo Communications, LLC, and ASL Services Holdings, LLC, d/b/a GlobalVRS.

9. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.¹¹ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.¹² Providers of Internet services (e.g. dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry.¹³

⁶ 5 U.S.C. § 604(a)(3).

⁷ *Id.* § 604(a)(4).

⁸ *Id.* § 601(6).

⁹ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

¹⁰ 15 U.S.C. § 632.

¹¹ See U.S. Census Bureau, *2017 NAICS Definition, “517919 All Other Telecommunications,”* <https://www.census.gov/naics/?input=517919&year=2017&details=517919>.

¹² *Id.*

¹³ *Id.*

The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small.¹⁴ U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year.¹⁵ Of those firms, 1,039 had revenue of less than \$25 million.¹⁶ Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

10. The amended rules adopted in the *Report and Order* modify the reporting, recordkeeping or other compliance obligations of certain small and other entities that provide VRS and are compensated from the Interstate TRS Fund. The Commission is not in a position to determine whether these new rules will require small entities to hire attorneys, engineers, consultants, or other professionals, but we note that the adopted rules primarily build upon existing compliance requirements VRS providers already perform.

11. In amending its rules on VRS providers’ employment of CAs working at home, the Commission makes those rules less restrictive, increasing from 50% to 80% the percentage of a VRS provider’s monthly call minutes that may be handled by at-home CAs. The rule’s recordkeeping and reporting requirements, which require that records be kept on home workstations and that calls handled at home be identified in a provider’s monthly call detail reports, are not changed.

12. The Commission also adopted a rule change removing the prior prohibition on VRS providers’ employment of contract CAs and permitting contract CAs to handle up to 30% of a provider’s total monthly call minutes. VRS providers who exercise this new option to employ contract CAs will be required to maintain records of interpretation services provided by contractors; identify, in their call detail reports, the VRS minutes handled by contract CAs; and include contractor data in their semiannual call center reports.

13. Additionally, the Commission codifies its Declaratory Ruling allowing VRS providers to be compensated from the TRS Fund when VRS users make calls to the United States from foreign locations while traveling for a period of up to one year,¹⁷ provided that VRS users notify their default VRS providers of their travel plans any time before they start making such calls. As an exception to the one year limitation on each travel period, Federal employees, contractors, and their immediate family members who are stationed abroad can make VRS calls from foreign locations for the duration of their service assignment (plus an additional 90 days) after notifying their default VRS provider of such assignment. The amended rule includes modified recordkeeping and reporting requirements regarding these less restrictive requirements. Commenters on the proposed rule change universally supported these revisions.

14. Consistent with the above discussion, we believe that any costs or administrative burdens associated with these rule changes will not unduly burden small entities, and that any additional burdens are outweighed by the benefits of removing unnecessary restrictions on VRS providers and users.

¹⁴ See 13 CFR § 121.201, NAICS Code 517919 (as of 10/1/22, NAICS Code 517810).

¹⁵ See U.S. Census Bureau, 2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017, Table ID: EC1700SIZEREVFIRM, NAICS Code 517919, <https://data.census.gov/cedsci/table?y=2017&n=517919&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>.

¹⁶ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹⁷ See *Notice*, paras. 51-54; *June 22 Ruling*, paras. 67-70.

F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The RFA requires an agency to provide, “a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.”¹⁸

16. Through comments provided during the rulemaking proceeding, the Commission has considered various proposals from small and other entities. Additionally, the Commission has considered alternative proposals and weighed their benefits against their potential costs to small and other entities. The adopted rules largely reflect consensus from those commenters and efforts to reduce burdens on small and other entities. The rule changes adopted in the *Report and Order* allow VRS providers greater flexibility in offering improved service to consumers, particularly in the areas of increasing work-from-home capabilities for CAs, increased use of contract CAs and in revisions to international calling restrictions.

17. *CAs working from home.* The increase in the cap on monthly call minutes that may be handled by CAs working at home is designed to increase the pool of ASL interpreters available and willing to work as a VRS CA. Participation in the at-home call-handling program would continue to be optional for VRS providers. Small VRS providers will benefit from this rule change as it enlarges the pool of qualified ASL interpreters from which they can hire CAs. Further, the associated regulatory requirements are already required as part of the at-home call-handling program and have been found necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that CAs are subject to proper supervision and accountability. The Commission considered proposals such as unlimited at-home call handling, but rejected it because of the need to ensure that each provider will continue to maintain sufficient call center staffing so that newly hired or inexperienced CAs can benefit from in-person supervision or mentoring by CAs with VRS experience.

18. *Use of contract CAs.* As with the cap increase for monthly minutes for at-home CAs, the rule modification to permit VRS providers to hire contract CAs is also designed to increase the pool of American Sign Language interpreters available and willing to work as VRS CAs. Hiring contract CAs, which will be optional for VRS providers, will provide flexibility to small entities seeking to control their staffing costs. While additional reporting and recordkeeping requirements will apply to VRS providers of all sizes that are using contract CAs, these steps are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that contract CAs are subject to proper supervision and accountability.

19. *International calls.* The codification of the one-year travel period for which VRS users may make compensated calls to the United States from foreign locations includes a modification of an existing rule requiring that VRS providers maintain information on VRS users who are traveling abroad. This tracking of data is an essential part of VRS providers’ ability to obtain TRS Fund compensation. This codification through the adopted rules formalizes and provides clarity on the compliance obligations of VRS providers. The rule amendments also allow compensation for VRS calls placed to the United States by federal military, employees, contractors, and their immediate family members during their tours of duty abroad, even if longer than one year. The requirements as modified are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that only U.S. residents are permitted to make VRS calls to the United States from abroad. As an alternative, the Commission considered expanding the exception to include international calls placed by U.S. private-sector employees (and accompanying family members) asked to work abroad by their U.S. employers; however, such a rule would lead to a more complex enforcement process and, by extension, create significant economic burdens for small entities that may lack the financial resources to effectively comply.

¹⁸ 5 U.S.C. § 604(a)(6).

20. The Commission continues to adopt measures improving the effectiveness of VRS providers supported by the TRS Fund while remaining vigilant against potential waste, fraud and abuse. While doing so, the Commission recognizes small entities may incur costs, and seeks to reduce those costs if possible while providing benefits to the public that outweigh those costs.