

March 11, 2021

Dear Congress,

As President of ATA, a professional association representing almost 10,000 professional translators and interpreters, I write regarding the enormous value of reliable language access to all Americans and the serious risk to our members and the professional translators and interpreters who provide it due to provisions in the PRO Act, HR 842.

Section 101 (b) of this pending bill is of utmost concern to the thousands of highly-skilled language professionals who overcome language barriers for limited English proficient individuals in every area of our lives. More than 75 percent of interpreters and translators work freelance, with both the facts of our work and preference for engagement with our workloads and wide-array of clients making us independent contractors.

This section of the bill would amend the National Labor Relations Act (NLRA) to include a strict 3-part, "ABC" test similar to AB 5 of California. That 2019 law, which was very disruptive to large sectors of the state economy, threatened to misclassify professional interpreters and translators as employees, contrary to the reality of our work. It sparked an outcry from tens of thousands of professionals. In part this stemmed from selective and arbitrary exemptions in the law for some (e.g., attorneys and realtors), but not others with extensive training or advanced degrees, independent rate-setting, freedom in selecting clients, such as linguists.

In California, translators and interpreters were successful in earning an exemption from application of AB 5 during the 2020 legislative session, via AB 2257.

Protections from exploitation and misclassification are essential for some occupations. Ours is not one of them. We urge you take stock of the California example, look carefully at the evidence of our independent contractor tradition, and fix this federal bill before it proceeds and leads to unintended consequences and needless harm.

We ask you to oppose the PRO Act unless and until amended to protect independent translators and interpreters from any such ABC test.

Please contact me with any questions about the PRO Act. In present form, it poses a serious danger to professional linguists, the priority of language access, and the people we serve, including the constituents in your states. As the representative of our profession, with its tradition of independence in fact and by the choice of the majority of highly-skilled linguists, I look forward to working with you to remedy this problem in the bill.

Sincerely,



Ted Wozniak  
President  
American Translators Association