



LEGISLATIVE PRIORITIES of the LANGUAGE ENTERPRISE

---116TH CONGRESS---

WHO WE ARE:

The **Joint National Committee for Languages and the National Council for Languages and International Studies (JNCL-NCLIS)** is a mission-driven coalition representing a national network of +300,000 professionals and specialists spanning the language field: education, non-profit and industry sectors. We believe that world languages and international education are essential for our nation's security, economic growth and social justice. Our members are educators, administrators, interpreters, translators, owners & researchers who work **to ensure that Americans have the opportunity to learn English and at least one other language.**

Today, our nation is more globally engaged in its intelligence, diplomatic, and economic activity than at any other point in our history, and our success in **these endeavors depends on strong academic programs in world languages.** Strategic resourcing in language, regional expertise, and cultural studies is critical to our nation's economic competitiveness and national security.

THE CHALLENGE:

However, **America's language capacity has reached a critical breaking-point.** Multiple GAO reports have cited shortfalls of languages and culture skills in the U.S. military and intelligence community, finding that our nation's language deficit could threaten our priorities and missions around the globe. Meanwhile, American businesses and their clientele are diversifying and globalizing their operations, requiring language skills to access global markets and serve a multilingual population.

- **U.S. businesses rely on multilinguals:** 90% of U.S. employers surveyed rely on employees with world language skills;
- **More languages = More growth:** Over half of U.S. employers say demand for languages will increase within 5yrs;
- **Lack of languages is bad for business:** 25% of U.S. employers report lost business opportunities because of a lack of world language skills¹.

The language skills gap can be attributed to the decades-long national teacher shortage: in 2018, **43 states plus Washington, DC reported a world language and/or bilingual K-12 teacher shortage**². Additionally, less than 10% of enrolled post-secondary students study abroad, a key component to global awareness and language proficiency.

¹ American Council on the Teaching of Foreign Languages, "Making Languages Our Business: Addressing Foreign Language Demand Among U.S. Employers," February 2019, www.leadwithlanguages.org/report

² U.S. Department of Education, "Teacher Shortage Areas", April 2018, www2.ed.gov/about/offices/list/ope/pol/tsa.html

OUR REQUESTS:

1. Join the newly created **America's Languages Caucus** in Congress.

The America's Languages Caucus Co-Chairs, Reps. David Price (NC) and Don Young (AK), established this Caucus in Nov. 2019 to ensure adequate resources are directed towards the study of world language learning, Native American languages, and English for English learners. We request that your office support the Caucus by joining.

Contact: Nora Blalock (nora.blalock@mail.house.gov), office of Rep. David Price.

More information can be found at www.languagepolicy.org/americaslanguages;

2. Sign on to the *Dear Colleague Letter* supporting FY21 funding for the new K-12 language grant program, the **World Language Advancement and Readiness Program**.

The **World Language Advancement and Readiness Grant Program**, authorized in the FY20 NDAA, would establish, improve, or expand K-12 world language programs in the Department of Defense Education Activity (DoDEA) schools and in local education agencies (LEAs) that host a Junior Reserve Officers' Training Corps (JROTC) program in order to bolster our nation's multilingual capacity. Led by Reps. David Price and Don Young, the letter requests \$15m from the DoD for FY2021.

Contact: Nora Blalock (nora.blalock@mail.house.gov), office of Rep. David Price.

Of the funds for these 3-year grants, 75% for languages critical to national security; 25% for any natural human language. Priority is given to programs with STEM component, Distance Learning, Underrepresented populations, Evidence-based program models.

3. Become a co-sponsor on the **World Language Teacher Student Debt Reduction Act**.

Introduced by Rep. Abigail Spanberger (D-VA), this bill extends equity in student loan forgiveness for World Language Teachers, amending Title IV of the Higher Education Act. It would increase the Pell Grant Loan Forgiveness amount from \$5,000 to \$17,500, the same amount that teachers of other subject areas experiencing national shortages (Math, Science, Special Education). *Vehicle: HEA reauthorization.*

Contact: Isabel Coughlin (isabel.coughlin@mail.house.gov), office of Rep. Abigail Spanberger.

Senate Ask: Please consider introducing a similar or identical bill in the Senate.

House Ask: Please co-sponsor the World Language Teacher Student Debt Reduction Act.

4. Become a co-sponsor on the **Biliteracy Education Seal and Teaching (BEST) Act**.

This bill directs the Department of Education to award two-year grants to states to establish or improve, and implement, Seal of Biliteracy programs to recognize student proficiency in speaking, reading, and writing in both English and a second language.

Contact: Senate, Bijan_Verlin@schatz.senate.gov; House: David.Schutt@mail.house.gov

Senate Ask: Please co-sponsor the BEST Act in the Senate (TBA by Sen. Brian Schatz, D-HI)

House Ask: Please co-sponsor HR 3119 (introduced by Rep, Julia Brownley, D-CA-26)

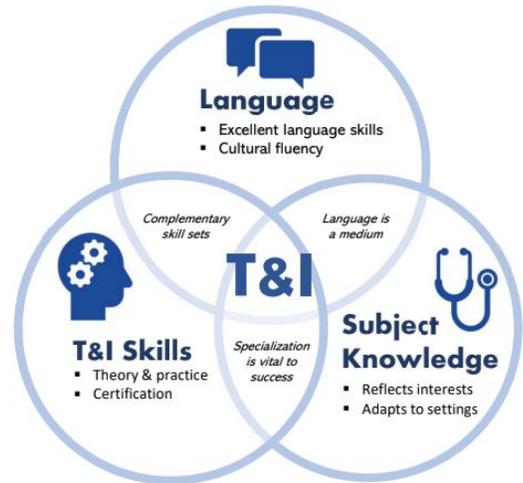


LEGISLATIVE PRIORITIES of the LANGUAGE INDUSTRY

WHO WE ARE:

Language Service Companies (LSCs) help others to communicate across linguistic and cultural barriers, facilitating multilingual communication, both oral and written, including translation, interpreting, localization, subtitling, voiceover/dubbing, language training, and language testing, among other specializations.

- **\$51 billion**/year industry; **6-8%** annual growth rate;
- **6,000-8,000 businesses** (majority small businesses);
- Comprised of educated, highly-trained, and often certified professionals earning median compensation of \$80k for FTEs;
- **250,000** specialists; primarily as independent contractors, and **150,000** in PK-20;
- **+400,000** remote interpreting events per day, **150 million** per year.



THE CHALLENGE:

1. Occupational Employment Statistics' (OES) has determined that **the prevailing wage rate of T&I professionals** ranges from \$20.72 to \$26.94. The government is required to use this rate when soliciting bids, **severely undercutting mission-critical languages services.**
2. **There is a language-workforce gap.** LSC's cannot find adequately trained workers to fill current demand. We need to spur workers to attain the interpreting & translation skills needed for the 21st century economy without breaking the bank. The challenge is helping **more people afford to obtain the requisite post-secondary credentials or licenses.**
3. LSCs rely on a network of independent contractors (ICs); however, there are **+10 different tests** which define "employee," exposing companies to enormous financial liability and disruption.

OUR REQUESTS:

1. We request that your office support a letter to the **Government Accountability Office (GAO) examining the appropriateness of the OES's methodology** for industries where the majority of the workforce is composed of ICs, and the impact of potentially inaccurate prevailing wages on GSA and other government contracting activities in these industries.
2. We request that you **co-sponsor The Freedom to Invest in Tomorrow's Workforce Act** (H.R.5339/S.379) would give individuals the freedom to use their "529" savings accounts to cover the costs of high-quality workforce training and credentialing programs.
3. We request that your office **co-sponsor the reintroduction of the Modern Worker Empowerment Act** (H.R.4069/ S.2973), which would harmonize the definition of the term "employee" for purposes of federal statutes and thus eliminate the ambiguity around worker misclassification liability for Language Service Companies.



ISSUE BRIEF::

1. GOVERNMENT LANGUAGE PROCUREMENT & PREVAILING WAGE RATES

In order to save money on services or commodities, government contractors generally use the **Lowest Price Technically Acceptable (LPTA) model** to solicit and review bids. Unfortunately, language services (i.e. translation, interpretation, localization) are categorized as “a commodity”, like pens and paper, which means that mission-critical services are only meeting minimum technical standard required for the task. LPTA is an unacceptable and inappropriate model for such highly-specialized projects. ¶ To compound the negative impact, the Bureau of Labor Statistics (BLS) has determined that **the prevailing wage rate of T&I professionals** ranges from \$20.72 to \$26.94. The government is required to use this rate when soliciting bids. However, according to the 2017 Compensation Survey conducted by the American Translators Association (ATA), translators earn, on average, \$42.30 - \$55.44 per hour and interpreters earn \$55.87 - \$124.68 per hour. This astonishing disparity is due to BLS’ outdated survey which misses a large sector of the workforce. ¶ Language services are fundamentally knowledge-based professional services; it is thus imperative that **all** federal agencies utilize **the Tradeoff model** for language services. The Tradeoff Model allows the government to prioritize non-cost factors and other performance indicators, such as past performance, risk aversion, reliability, and innovation. Recognizing the best value afforded in the Tradeoff model, the Department of Defense utilizes this model to procure its highly-sensitive language services. Luckily, the FY19 NDAA (Section 880(C)1) requires **all** federal agencies to adhere to the same rules on procurement of “knowledge-based professional services” as the Department of Defense does.

2. THE FREEDOM TO INVEST IN TOMORROW'S WORKFORCE

Currently, **state 529 plans ONLY** allow students to pay for post-secondary two- and four-year college degrees; career and technical education programs from Title IV accredited institutions; and, up to \$10,000/year in elementary and high school tuition. This bill would give individuals the freedom to use their “529” savings accounts to cover the costs of high-quality workforce training and credentialing programs. ¶ It **amends the tax code to add “recognized post-secondary credential”** (as that term is defined in the Workforce Innovation and Opportunity Act) **as an eligible expense for a 529 account**. Specific costs associated with obtaining a post-secondary credential or license would include: Tuition for participation in certification program; Examination/testing fees; Required books and equipment associated with certification program; Tuition for continuing education courses; Fees associated with renewal of certification; Expenses associated with practice exams; Other charges by the certification organization required to obtain or maintain certification.

3. EMPLOYEE (MIS)CLASSIFICATION

Today, there are an estimated 500 languages spoken in the US, and 7000 in the world, and by 2021, the global market for language services is projected to reach \$56.2 billion. In order to serve speakers of **ALL** languages, **LSCs rely on a nationwide network of highly-specialized independent contractors (ICs)**. However, **there are at least 10 different tests which define the term “employee,”** which has opened up companies that contract with ICs to enormous financial liability if they are determined to have misclassified workers. All current employee classification tests fail to distinguish between the two subgroups of ICs: **the “gig” economy vs. the “knowledge” economy**. “Gig jobs” are often repetitive assignments with a low barrier of entry for non-specialists. On the other hand, “knowledge jobs” require highly trained professionals whose success is dependent upon the highest quality of work. ¶ **High quality language services require a robust professional skill set**, usually acquired through years of experience in the field, extensive education and immersion, and a certification process. **Translation and interpreting (T&I) professionals** employed by the government are often called on to convey and analyze messages with important content, so capturing the context, nuance, tone, and detail of the message is crucial, especially within the Department of Defense and Intelligence Community operations. ¶ **Congress must provide businesses and ICs with a clear path to compliance** regarding employment classification in order to eliminate uncertainty surrounding the future feasibility of their business model.