**Globally Speaking**

**Podcast 73 Transcript**

**Lobbying for Language in the Halls of Power**

**Featuring Bill Rivers of JNCL-NCLIS**

Renato I’m Renato Beninatto.

Michael And I’m Michael Stevens.

Renato Lobbying is one of those activities that has a negative connotation, sometimes. However, we hear about the power of lobbying in making government change and advance the interests of certain categories of business and professions and so on. Today in Globally Speaking, we’re interviewing somebody that does that for a living, right Michael?

Michael Right, it’s great to hear that there’s somebody working on behalf of our industry to tell our story here in the US to those in power in the government.

Renato So, let’s hear this fascinating interview with our guest who’s going to introduce himself right now.

Bill Hi, I’m Bill Rivers. I’m “America’s Language Lobbyist.” My actual title is ridiculously long: Executive Director of the Joint National Committee for Languages and the National Council for Languages and International Studies. I’m really thankful that Renato and Mike invited me on the podcast, Globally Speaking, to talk about what we do in Washington to promote the language enterprise and to advocate on behalf of all things language in Washington, DC.

I run two nonprofit organizations: The Joint National Committee for Languages and The National Council for Languages and International Studies, founded in 1981 to formally lobby on behalf of language in Washington, DC.

We’re about 130 member companies and organizations covering every aspect of language in the United States: instruction, public and private sector from pre-kindergarten through graduate school, localization, globalization, interpreting, translation of all kinds, testing, test development, materials development. My job in Washington is, and our staffs’ job, is to help the language world tell its story to the powers that be. You know, it’s a 50-billion-dollar-plus industry according to Nimdzi, and of course we’ve got the founder of Nimdzi here on the podcast.

Renato Thanks.

Bill Renato can correct my statistics whenever I stray. Renato, does that include the value of what’s spent in the public sector? You know, teacher salaries, interpreter salaries, that are directly spent in the public sector vice what the industry spends?

Renato Not the teachers but the interpreters, yes.

Bill It’s probably more than $50 billion in terms of what’s directly spent on language in the United States.

Renato We’re not even talking about language learning or even ESL. That’s a huge market. It’s not in the scope of what we track and what we look at, but it’s also language-related, absolutely.

Bill The people who work in the language industry, whether they’re the translators, the interpreters, the localizers, the project managers, the sales managers, the vendor managers, you know, the executives, the back-office workers, they have to get an education somewhere. And we rely in the US to a great measure for the translators and interpreters on folks like Renato who grew up multiculturally and have multiple languages, but we also do have a significant number of people coming through our school systems.

And then, in addition to the language industry, which needs educated bilingual, biliterate, bicultural people who know another skill—translation, localization, interpreting, whatever—the corporate world in America wants smart employees, right? Everyone wants people who have interpersonal skills—flexibility, adaptability, critical thinking—and a shortcut to finding that is to say, “Hey, you grew up globally, multiculturally, or you speak another language, you lived abroad and studied abroad for a couple of years.” And that’s a shortcut that a lot of companies use to get smart employees.

So, we see the educational side and the industry side as part of a continuum with two points on it. It’s been really important in the last six and half years that I’ve been doing this to bring the industry and the education sectors together. I’m a lobbyist, so I go to Washington, DC; I’m asking for things on behalf of other people.

Renato Tell us more about this concept of lobbyist, because I have a sense that it’s a very, very, very important function that many of our listeners have never thought about or even engaged with. So, tell me what is the role of a lobbyist, and how you help us in that way and how we can help you.

Bill My job is to ask for things on behalf of somebody else. That’s what lobbyists do; they ask for things of the government on behalf of a third party. Now, we’re essentially a nonprofit trade council. We’re not like the fancy, K-Street, white-shoes-lawyer, you know, former-senator lobbyists who are working for a big industry in a for-profit basis, and there’s a role for that, right? We’re working in a non-profit as a trade council on behalf of the language world.

When you go ask your elected officials for something, or when you go ask your appointed officials, you know, the people who work in the executive branch, and whether that’s the city government, the city council, state government, national, you are exercising your First Amendment rights to petition the government for redress of grievances. So, you go and *you* ask—you advocate on your own behalf. I advocate *on* your behalf and I’m a lobbyist, right? So, when I’m not in my own congressperson’s offices or my own senator’s offices, I’m acting as a registered lobbyist.

Michael I think that’s a very helpful role and the trade council makes sense. Are you telling the story of your member companies? Like, where does the agenda for the story you tell around Washington come from?

Bill It comes collectively from the whole membership, right?

Michael Okay.

Bill If Moravia or Nimdzi hired me as a lobbyist, I would go and ask directly on behalf of one individual organization. But for the trade council, we develop that agenda as a coalition. That’s sort of a distinction, and that’s a little different between being a lobbyist for an individual organization versus a lobbyist for a trade council.

Like you said, we tell the story, and then we ask for the government to improve things, and the story of language which this podcast helps elucidate and make clear to its listeners is really powerful. We’re embedded in every sector of the US economy. We’re embedded in every community. I mean, I can walk into any congressperson’s office and tell them they’ve got six, eight, ten, however many LSCs in their district doing all sorts of things, whether it’s community interpreting, or educational interpreting, or translation, or localization, etc. That’s part of that thing where 6,000 small businesses, or whatever the number is, is in that $50 billion space. They’re spread all over the country.

Because America has immigrants from everywhere, and 65 million Americans who speak a language other than English when they go home, because we have, you know, commercial and security interests all across the globe, the country desperately needs the language industry to help with national security, with economic growth, with social justice. That’s a great story. What we do is really important.

Michael Just recently, there was an educator who asked non-native English speakers to stop speaking their native language in the hallways of a major university in the US. Do you have to overcome that hurdle of, “Well, this is English first”? Does the conversation with these folks ever start there, or is there one thing we hear in the media and one thing you hear differently in your storytelling?

Bill So, I think there’s three different things you hear. If you do a public opinion survey, you find about 70% of Americans think that children should be bilingual by the time they get out of high school. And a similar percentage, 75%, will say that immigrant languages do not threaten English. So, the broader public is pretty accepting of immigration, of languages, of diversity, of… and diversity of all different kinds.

In the business world, if you’re in the internet economy, if you’re in high-tech manufacturing, if you’re in all sorts of retail, from retail banking through high-end retail, if you’re in healthcare, you have to deal with multilingual and multicultural clientele, whether it’s at home or abroad, and if you don’t, somebody else will and they’re going to make more money. That’s one piece of the story.

The media is actually more and more covering language, I think, as the media has gotten younger and more diverse and more outlets. And there are folks who have made a career out of covering language as part of their beat and putting some pretty interesting things in.

But there are parts of the society that say, ‘yeah, it should be English first.’ There are three persistent myths. Number one: Why do we need anything other than English? Because the rest of the world is learning English. And that’s not entirely true. The rest of the world is not learning English. Quite a number of people are, 600 million or 1.2 billion, whatever the numbers are depending on whose statistics you want to believe.

The number of people who will learn enough English to be able to communicate at whatever level is going be way smaller, and that doesn’t guarantee that when you’re wandering around Hangzhou, China, that you’re going to be able to engage and interact if you don’t have some way of negotiating that language barrier.

Number two, we hear, “Well, there’s an app…isn’t there an app for that?” And, sure, there are apps. You guys I’m sure have featured them many times on the podcast, and those apps, and the neural MT or statistically based MT methods, play a prominent role in the language industry.

Michael The commercial earbuds are for romantic engagements, is all the commercials show us. The two people who don’t speak the same language but are able to fall in love because they have these earbuds that translate for them.

Bill If they’re that motivated, they probably don’t need the earbuds, is what I’m saying.

Michael Right, exactly.

Bill And if they’re willing to share those earbuds, they really don’t need the earbuds. And then you hear this: “Oh, language learning is just too hard. Because I took four years of German in high school and I couldn’t order a beer in Munich.” Okay. And the truth is that there’s still lots of less than optimal teaching out there across a whole bunch of different subjects, but where we teach language well in the US, we do very well.

That’s sort of what the policymakers hear. When you get to Congress, they’re like, “Yep, we’re all for language.” They get the national security mission. That’s been crystal clear since 9/11. For better, for worse, the US is engaged diplomatically and militarily all over the globe and we know we need languages to facilitate that. They get job growth. When you make the persuasive case that companies need language services, they need localization and globalization in order to grow their markets, they get that. And they get social justice and they get that if kids are bilingual and biliterate by the time they get out of high school, they graduate high school at higher rates with higher GPAs, they matriculate to college at higher rates, they graduate college sooner, presumably with less debt, with higher GPAs, get jobs sooner and make on average 2% more per annum than their monolingual peers over the course of their careers. That’s a really compelling argument for a representative, for a city council member, to say, “Wait a minute, if we add this into the curriculum, it will benefit our students, whether or not they get a job with language.” That it’s just good for them.

Renato How does the industry help you? Because you know how to make the case, and I have a sense that we’re barely scraping the surface of what you want to accomplish for us as an industry. You could be doing a lot more. Is there any kind of support, membership, participation? How can we help you make our business more visible, more interesting?

Bill There are two ways to do that. One is to participate in our advocacy events. You can find information at languagepolicy.org or on our Twitter handle at jnclinfo, and you can find information on the Association of Language Companies page or in their social media.

Come and advocate. Come and tell your story. You’re the expert. You know, we train people on how to go talk to your congressperson, your senator, talk to people in the Department of Labor, the Department of Education, etc., and that’s really important. And I think people who do that, who come to Washington, have a really good time doing it. It’s a great city to visit and all that, but, you know, you’re walking the halls of power and you’re speaking to staff and to members and telling your story.

Michael These are onsite days, where you get this training in DC?

Bill Onsite. Yep, in DC, and we schedule the meetings on the Hill and you go all over Capitol Hill and to various other offices in town and tell the story.

Michael And what is the regular rhythm of them? How often do you have these?

Bill We do the February event once a year and then we average probably two other events a year depending on the meetings that are coming to town and our member organizations and companies and what they want to do.

Michael Okay, so that’s the sort of thing that our listeners who are in the greater DC area could fairly easily take advantage of.

Bill Yep.

Michael And for those who happen to be scheduling their family trips to go see the nation’s capital, they could also do something very unique on that trip, by themselves or with their families. So, that’s great. And you said there was a second way for folks to get involved.

Bill Right, so the second way is, if your company is interested in supporting us in the long-term, is to join. Join JNCL-NCLIS, the acronym. Join the organization, support us through dues donation. Take part in the governance, take part in shaping the policy agenda. We have all that information on the website as well, or people can reach out to us through the website or through Twitter, and we’re happy to have folks join and support for the long-term.

You know, there are some challenges the industry has, right? One is that we just don’t have enough people in the US who can do the work. Somehow the work always gets done, but one of the constraints on our growth as an industry is being able to find enough qualified translators, interpreters, localizers, etc., to get the work done.

And the second is that we’re an industry based primarily on freelancers, where, you know, the nuts and bolts work of translation, localization, interpreting, is done by a workforce that’s 80% freelancers. And at the state level, that’s been a real challenge because of the unemployment insurance audits, and the unemployment insurance offices and states forcing language companies to often retroactively reclassify and pay large penalties.

It has nothing to do with us an industry. It’s a nation-wide issue, but we’re part of larger coalitions. We’re part of a coalition with the US Chamber of Commerce and the National Federation of Independent Businesses to try to improve the conditions for freelance-based industries. And so, when we go to Congress, we ask for help on the educational side, we ask for help on the R&D side.

I don’t have to tell you who work in technology-intensive language companies the importance of funding from the Department of Defense over the years in developing machine translation, for example, going all the way back to the 1950s. We fight for funding for outreach programs and then we fight for better regulations for the industry. Talking about, you know, the work we’ve done to limit the use of low-priced, technically acceptable contracting vehicles in the federal government for knowledge-based industries, where we don’t want the US government buying language services through lowest bidder or reverse auction or other types of purchasing vehicles that are inappropriate for a highly professional, highly technologized, knowledge-based industry.

Renato Do you work together with other professions or other trades that have similar challenges? Is this something that applies only at the federal level, or also state and municipal level?

Bill The short answer is yes and it’s complicated. Yes, we do work in coalition, primarily through the Chamber of Commerce, the National Federation of Independent Businesses and the Independent Entrepreneurs Coalition, with a range of other professions. You get allied health professions, you have, you know, biotechnology consultants, architects, realtors, all of which work on primarily an independent contractor basis nationwide, and they’re all part of these larger coalitions.

We’re a small industry. $50 billion sounds like a big number out there, folks, but in the context of an $18 trillion economy, it’s relatively small. That’s a little less than a third of a percent of the US economy.

The federal government does tend to set a tone. The General Service Administration often serves as a model for state and municipal governments, but they are certainly not bound by federal rules on federal contracting. And so, at the state and local level, it becomes an issue of client education, which is an evergreen challenge and every business has this, right?

You can sell on price, you can sell on service, you can sell on quality, and I can give you two out of those three, right? And if you’re selling into a market where price predominates, that’s always a challenge, if that’s the single biggest factor. And unfortunately, a lot of social service agencies, a lot of local governments treat language services as a cost center, and structurally it’s sometimes hard to avoid that with the government because everything’s a cost center. There are no profit centers in the government. But if you’re selling into a cost center, as you guys well know, then the costs tend to be really tightly managed.

For the corporate sector, and especially now with the slow changes we’ve seen in healthcare, where 18 states are taking partial reimbursement from Medicare/Medicaid for healthcare interpreting, where larger, smarter, more data-driven health systems see the value to their bottom line, to the patient outcomes and to costs when they invest in language services, we’re seeing a shift in emphasis on managing it as a downstream commodity. It’s really tough selling into a government space. It’s really tough. I did it for 15 years and I’m still recovering.

Renato Some of the things that you work on have broader application, and I think that one of the challenges that the interpretation part of our industry has is the new California legislation that requires contractors to be…

Bill Employees, Dynamex.

Renato Is that one of the areas that you’ve been working to also?

Bill Yes. If there’s an issue within a particular state, whether it’s the state of Virginia wanting to replace foreign language requirements in graduation with coding—which we defeated over about a 96-hour period two weeks ago—or if it’s in California, where this California Supreme Court decision, Dynamex versus California, resulted in a court ruling at the California Supreme Court level that said basically, anybody who’s an independent contractor must now be an employee, we can help organize. We can help people at the state level organize.

There is a California task force led by Naomi Bowman of LS Language Services, with, I don’t know, 30 different companies as members, and it’s connected to the California Chamber of Commerce, the California Branch of the National Federation of Independent Businesses. We can help organize folks and make those connections at the state level, help give them the talking points they need to make a case at the state level, even though we don’t lobby at the state level, because that’s 50 states…50 state capitals, and each one has its own particular deal.

But we help organize. And Dynamex is a trucking company, that sort of last-mile logistics company, that on Friday, everybody’s an employee, and on Monday, they show up to work wearing the same uniforms, driving the same routes, driving the same trucks, and they’re told they’re independent contractors. The way that employee relationships are codified in state and federal law, there’s sometimes a temptation to try to use the independent contractor route to frankly save costs from the company side.

Not judging necessarily whether Dynamex was in the right or wrong from my point of view; the court clearly thought that it had acted inappropriately. There have been certainly cases where companies have abused those laws to save costs unfairly and put unfair burdens on people who should be employees.

Our industry is very different since, at least since the end of the Second World War, and probably going back much farther, we have operated with 80% of our workforce being independent contractors, and for all sorts of reasons. There are languages where no one company is ever going to be able to give you, you know, a full work week and a full, you know, 2,000 hours a year. So, that individual has to be able to work for multiple agencies.

We’ve also evolved as an independent profession where—and this is an important part of employment law—people are trained as professionals; where they have a great deal of independence in how they do the work. Nobody tells you exactly how to translate. It’s not like you’re going to, you know, follow instructions on an assembly line, taking this part and screwing it on in a particular way, and then, you know, the assembly line moves on down.

So, in California, the court took what was the old ABC test: A: Do you exert financial control over the individual? B: Is their work outside of the normal place or line of business? And C: Do you exert control over how the work is done? This is the common ABC test; it’s based on what the IRS does to determine whether someone’s an employee.

Dynamex’s decision said, “Well, we’re going to keep the financial control and the control of the nature of the work, and we’re going to tighten down what that B criterion is to where the work being done must be outside the normal line of business of the company in order to have Renato or Mike be an independent contractor.” Now, if you’re a language services company and you are providing language services of whatever kind, it’s really hard to argue that your translators, interpreters, localizers are doing work that is outside of your line of business.

What’s happened in California with that decision is, since it passed, since the decision was finally adjudicated by the Supreme Court in June of last year, there’s a subsequent appeals court ruling at a lower level restricting it to what are called “wage and hour orders.” So, if, you know, Michael works for Renato, and Michael alleges that Renato is not providing him the guaranteed half-hour lunch break, and the guaranteed 15-minute break mid-afternoon…

Michael You’re a tyrant!

Bill He is, then Michael can file a claim with the appropriate department in California saying he’s being mistreated and denied these breaks and be classified an employee for the purpose of receiving these breaks. That’s different from the unemployment law which says, in effect, that for the purposes of paying unemployment insurance, and in the case of California workers, compensation insurance as well, that Michael is an employee, and therefore Renato owes the state X amount of money plus penalties for not having paid unemployment insurance. The Dynamex decision was restricted from that, and now we’re waiting on the California legislature to sort out what that means.

At the ALC Unconference in Huntington Beach, we had a half-day session with the California Chamber, with the National Federation of Independent Businesses and with an outfit called R Street, which is a business think-tank. And the fellow from R Street, Ian Adams, had data that something like 34% of the California economy depends on work done by independent contractors. The entire film industry, for example. A huge amount of what Silicon Valley does, especially when they need extra developers to meet a surge. The language industry.

Big chunks of the California economy depend on independent contractors, and the California Chamber of Commerce is already seeing work being moved out of California and put into other states or offshored. The General Assembly there is very much aware of the cost of taking this very small tax in terms of unemployment insurance. If you drive the actual work out of the state, you’re not going to collect income tax or unemployment insurance on that.

So, it’s up to the legislature now to sort that out. But we have been working closely, and in fact, we were instrumental in putting our language folks in touch with the broader coalition and bringing that broader coalition down to Huntington Beach.

Michael You gave us a great picture of your work happening there in DC for how people can tap in and get involved and learn more about that. Also, the assistance you guys give, even at a state level. What about one example recently that has been a success story? Our people love to hear about that work.

Bill I was actually in Huntington Beach at the ALC Unconference: about 80 C-level folks from language companies all across the country and a few global folks in Huntington Beach doing an unconference, which is a lot of fun. It’s mostly unstructured, right, and great networking. I really love that event, and just promoting the ALC Unconference here for a sec.

After the Thursday afternoon session on California and Dynamex, I get this call from a colleague in Virginia who is the advocacy chair, volunteer, for the Foreign Language Advocates of Virginia, FLAVA. Lower house of the Virginia legislature would allow school districts to replace foreign language classes with computer coding for the Virginia honors diploma. So, instead of taking, you know, three years or four years of language, you could take a similar amount of computer science classes.

Over the course of the next 24 hours, we put together a Twitter campaign. We put out a policy alert, an advocacy alert, that allowed people who follow our Twitter account and follow our weekly news brief and who live in Virginia to send messages directly to their state legislators.

FLAVA got eight language advocates to go and testify to this Virginia House of Representatives Committee that this was a bad idea, and it was killed by the committee. It was, I think, five to three and that bill is dead. So, that was a success story, but we mobilized very quickly. We got the word out, you know, through our more traditional, early-21st-century channels, and then got people in-person to go and testify. We’re very, very proud of that. I’m sure it’ll come back around at some point, but, you know, for the moment, for the time being, we nipped it in the bud. Very happy about that.

Renato In many aspects, the United States is in the forefront of action like this. What kind of advice would you give to our listeners from outside of the United States that would want to start advocacy efforts?

Bill Get educated on how your government works. What are the nuts and bolts? How is legislation made and how is policy made? Who are the people who are making those decisions and how can you reach them? That varies so much from place to place. It varies tremendously within our 55 states and territories in the US, but that’s the first thing, is to get educated.

If there is a local or a national organization, whether it’s language companies, whether you’re a translator or interpreter, whether you’re a language teacher, join that organization, because you need that networking. You need to be connected. It’s easy to feel isolated. I think this is why events like the Unconference are such a great success, or GALA, or LocWorld, or ALC’s main event, because you need to be connected. You need to have other people to talk to who are in similar circumstances that you can learn from, that can learn from you, and then you find the strength in numbers. So, get yourself educated and make sure you’re professionally engaged in your association.

Renato Thank you so much, Bill. I hope that this podcast makes people more aware of the value of working with advocacy and lobbying in our space.

Bill Muito obrigado. *(Thank you very much.)*

**End of interview**