



August 1, 2019

The Honorable Elise Stefanik
318 Cannon House Office Building
Washington, DC 20515

The Honorable Bradley Byrne
119 Cannon House Office Building
Washington, DC 20515

The Honorable Phil Roe
102 Cannon House Office Building
Washington, DC 20515

Dear Representatives Stefanik, Byrne, and Roe:

I am writing on behalf of the American Society of Travel Advisors (ASTA) and the more than 10,000 people who work at travel agencies in the states of New York, Alabama, and Tennessee to express our strong support for the Modern Worker Empowerment Act (H.R. 4069).

Travel advisors and agencies – whether online, brick-and-mortar or hybrid business models in between – play a critical role in our country's commercial aviation system and the broader travel and tourism industry. Advisors are responsible for the sale of the majority of air travel in the U.S., selling \$86 billion worth of tickets in 155 million transactions in 2018 alone, or over 300,000 air tickets *per day*. We are proud to note that ASTA's ranks include substantial numbers of member companies in New York (440), Alabama (39) and Tennessee (47).

Like many other industries, travel agencies rely heavily on the services of independent contractors (ICs), an arrangement that our members tell us provides substantial benefits for both workers and businesses in situations where a traditional employment relationship is impractical or uneconomical. Both parties benefit from the flexibility in business operations and opportunities for entrepreneurialism that IC arrangements provide.

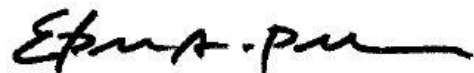
The use of ICs in our industry is prevalent and growing – according to our latest member surveys, 75 percent of ASTA member companies reported using at least one IC, and of those who use ICs the average company used 12 ICs against 13 full-time employees. Compare this to 2006, when the average company used only 4 ICs. All told, an estimated 20,000 ICs work in our industry – equivalent to 20 percent of the total industry workforce.

However, ICs and their clients currently face substantial uncertainty over whether their business relationship will be respected for purposes of federal statutes, due to the variety of statutory definitions for the term “employee.” These inconsistent definitions can produce inconsistent determinations of an individual’s status as an employee or independent contractor, relative to the same client company under different federal statutes. This can have a discriminatory impact on individual entrepreneurs relative to their larger competitors, and lead to diminished growth for our nation’s economy due to the decreased economic opportunities for those individuals who wish to offer their services as independent entrepreneurs.

As such, we strongly support H.R. 4069, which will address the current patchwork system of multiple federal tests, providing clear rules of the road in terms of who is an employee and who is an independent contractor. Business owners and ICs alike deserve clarity so they can focus on what they do best – selling travel – and H.R. 4069 would provide that clarity. If there is anything ASTA can do to help advance this legislation, please let us know.

We applaud you all for your leadership in tackling this challenge. If you or your staff have any questions on these or any issues related to the travel industry, please don’t hesitate to contact me at (703) 739-6842 or epeck@asta.org.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Eben Peck". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eben Peck
Executive Vice President, Advocacy
American Society of Travel Advisors