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### **US Senate Minority Leader Acknowledges Major Problem in PRO Act**

Sen. Chuck Schumer, D-NY, says he will work with freelancers after a similar law in California decimated thousands of careers

**NEW YORK CITY, SEPTEMBER 14, 2020** — US Senate Minority Leader Chuck Schumer (D-NY) promised freelancers in [an online webinar](#) late last week that he would listen to their concerns and work with them to find a solution for the [Protecting the Right to Organize](#), or PRO Act (H.R. 2474), marking the first time a prominent elected Democrat has acknowledged a major problem with the bill.

The PRO Act includes the ABC Test for labor law that's in California's AB5, which became law in January and has since decimated the livelihoods of thousands of legitimate independent contractors such as freelance writers, photographers, translators, online teachers, per diem healthcare workers, physical therapists, musicians, real-estate appraisers and more.

"I understand your specific problem, I see what's happened in California, I'll work with you to try to work this out," Schumer said during the webinar, which was hosted by the New York-based Freelancers Union, a nonprofit organization.

The AFL-CIO wrote California's disastrous AB5 and [threatened to withhold campaign support](#) from any lawmaker who opposes, delays or votes against the PRO Act. Presidential candidate Joe Biden has [endorsed the PRO Act](#), and the Democratic-controlled US House of Representatives passed it during the current legislative session. The strong Democratic support for the bill heading into the November election makes Schumer's acknowledgment of its career-killing problems noteworthy.

"It's a breath of fresh air to hear a prominent Democrat acknowledge that California's AB5 is a major problem for people like me who choose to work as independent contractors, and that the problem is very real in the PRO Act too," says Kim Kavin, a freelance writer and editor in New

Jersey who co-founded the nonpartisan ad hoc coalition Fight For Freelancers. “We sincerely hope Senator Schumer will do what he promised and work with us to save our careers by amending the PRO Act so that it no longer includes the career-killing ABC Test that was copied from California’s AB5.”

Multiple federal lawsuits have been filed against the State of California over the constitutionality of AB5, which the state’s nonpartisan Legislative Analyst’s Office says [could affect as many as 1 million people](#), primarily by costing many of them work. Governor Gavin Newsom signed a cleanup bill into law this month to add or amend exemptions for what are now [more than 100 impacted professions](#). California Assemblywoman Lorena Gonzalez, who sponsored AB5, admitted in one of the cleanup bill’s hearings that freelance writers had been correct in their warnings about the law’s potential devastation to their income. “They were right. I was wrong,” she said after many of them had lost clients and entire careers.

There are no exemptions for any types of careers in the PRO Act, a fact that has freelancers nationwide terrified about losing their livelihoods if Democrats win control of Washington, D.C. this fall. Numerous members of Fight For Freelancers USA have tried to speak with Democratic lawmakers at the federal level all across America about the PRO Act, only to be stonewalled as the bill advanced in the House. California freelancers endured the same pattern of dismissiveness from Democratic lawmakers as AB5 advanced there.

“The PRO Act has the same rotten core as California’s law—the ABC Test that changes the definition of who can be legally self-employed,” said Karon Warren, a Georgia-based freelance writer and co-founder of Fight for Freelancers USA. “This test was written in the 1930s. It has no business being applied to the modern workforce, which includes tens of millions of independent contractors. The IRS Test is a better choice because it accurately classifies all members in our 21st-century workforce. The bill threatens livelihoods as long as the ABC Test is in it.”

#IRSnotABC #FightForFreelancers

[FightForFreelancersUSA.com](http://FightForFreelancersUSA.com)

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