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February 4, 2020

Dear Representative:

On behalf of NFIB, the nation's leading small business advocacy organization, I write in opposition to H.R. 2474, the *Protecting the Right to Organize (PRO) Act of 2019*. This legislation would dramatically upend long-standing employment law in favor of labor unions at the expense of small businesses and their employees. **H.R. 2474 will be considered an NFIB Key Vote for the 116<sup>th</sup> Congress.**

The *PRO Act of 2019* codifies the National Labor Relation Board's (NLRB's) *Browning-Ferris Industries* joint-employer standard, which would threaten to compromise the small business-subcontractor relationship. Eighty-nine percent of NFIB members oppose requiring a contractor to be responsible for a subcontractor's hiring practices.

This bill imposes binding arbitration on employers when they fail to reach an agreement with a union within 120 days, which would empower an arbitrator with no business expertise to render a decision. It also abolishes state "Right to Work" laws by eliminating section 14(b) of the National Labor Relations Act (NLRA) and would require all employees to contribute fees to a labor organization even if the employee is not a member of the labor organization.

The *PRO Act of 2019* allows unions to participate in secondary boycotts throughout the supply chain, which would inflict economic damage on small businesses that have nothing do with a labor dispute. Ninety-two percent of NFIB members oppose legislation that allows unions to picket an employer's suppliers and customers during a labor dispute.

This bill imposes reporting requirements that would breach small business owner-attorney confidentiality. Ninety-one percent of NFIB members oppose limiting the ability of employers to speak to their workers during union campaigns and elections.

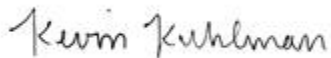
The *PRO Act of 2019* requires employers to provide personal contact information for employees to union organizers, which would infringe upon the employer-employee relationship. Ninety-three percent of NFIB members oppose requiring employers to provide the personal contact information of their employees to union organizers.

The legislation restricts an employee's ability to accept or reject union representation through a secret ballot. This process would allow labor unions to pressure employees to sign a card in public to join a union rather than allowing individuals to vote privately.

The small business economic engine is on fire. Small business owners are investing in their businesses by creating jobs, increasing compensation, and purchasing new equipment.<sup>1</sup> The *PRO Act of 2019* contains policy proposals that are not only opposed by small business owners but have been dismissed in the courts and rejected by Congress for decades. To maintain the current, thriving small business economy, Congress must stand up for small business owners and oppose the *PRO Act of 2019*.

NFIB strongly opposes H.R. 2474, the *PRO Act of 2019*, and will consider the bill a Key Vote for the 116<sup>th</sup> Congress.

Sincerely,

A handwritten signature in black ink that reads "Kevin Kuhlman". The signature is written in a cursive, slightly slanted style.

Kevin Kuhlman  
Senior Director, Federal Government Relations  
NFIB

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<sup>1</sup> NFIB Research Center, *Small Business Economic Trends*, January 14, 2020, <https://www.nfib.com/assets/SBET-December-2019.pdf>.