

60+ Groups to Congress: Defend American Workers from Union Coercion and Oppose the PRO Act



September 16, 2019



Dear Member of Congress,

We are writing in opposition to the Protecting the Right to Organize (PRO) Act. Senator Patty Murray and Congressman Bobby Scott introduced the PRO Act in the Senate (S. 1306) and House of Representatives (H.R. 2474) on May 2, 2019.



We oppose the PRO Act because the legislation would harm workers and taxpayers by codifying many of the Obama-era rules and decisions that led to higher unemployment and a stagnant economy. Representatives who vote for this bill are simply helping labor union bosses, their campaign contributors, at the expense of American workers.



For example, one of the Act's harmful provisions would codify the National Labor Relations Board's 2015 *Browning-Ferris Industries* decision. That decision expanded the definition of joint employer and increased liability for many businesses, especially franchises. In fact, the International Franchise Association has found that the expanded joint employer rule costs the franchise sector as much as \$33.3 billion annually and has led to 376,000 lost job opportunities. Codifying this NLRB decision would effectively eliminate this business model, putting many employees and small businesses out of work. However, big labor would benefit from this provision because they could unionize these employees more easily.



This bill would also force all private sector workers to pay fees to labor unions, whether they wanted to support them or not. This would effectively invalidate all state Right-to-Work laws and would deny First Amendment rights to these workers. This provision hurts workers because right-to-work laws have benefited workers. From 2008 – 2018, for example, the percentage growth in the number of people employed in right-to-work states was 10.8%, while the percentage for those in forced-unionism states was much lower at 5%. Invalidating these laws would, therefore, hurt workers and employers, but would provide more dues to unions.



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Another business model that is severely threatened by this legislation is the gig economy. The PRO Act would codify California's new "ABC" test to determine who is an independent contractor and who is an employee. This test makes it harder for employers to hire independent contractors, but makes it easier for unions to unionize workers. According to the Federal Reserve, about 3 in 10 Americans work in the gig economy, and these workers would be at risk for losing their jobs.



One final example is the provision that would codify the Obama-era ambush elections rule. That rule shortened the time frame of an election to unionize workers and provided the contact information of workers without their consent to labor unions. This rule harmed workers by providing them with an inadequate amount of time to learn how unionization would affect them. In addition, unions would be able to violate the privacy of workers once they had their contact information. Once again, with a shortened time frame and the contact information of workers, labor bosses could more easily unionize these workers.



Because the legislation harms workers in order to help labor union bosses, we strongly urge Members of Congress to vote against the PRO Act.



Sincerely,

Grover G. Norquist
President, Americans for Tax Reform



James L. Martin
Founder/Chairman, 60 Plus Association



Melodie Bowler
Associate Director, Alaska Policy Forum



Phil Kerpen
President, American Commitment

Lisa B. Nelson
CEO, ALEC Action



Tom Giovanetti
President, Americans for a Strong Economy



Rick Manning
President, Americans for Limited Government



Scot Mussi
President, Arizona Free Enterprise Club



John Palatiello
President, Business Coalition for Fair Competition

Garrett Ballengee
Executive Director, Cardinal Institute for WV Policy



Andrew F. Quinlan
President, Center for Freedom and Prosperity



Russell Brown
President, Center for Independent Employees
CEO, RWP Labor, LLC

Timothy Lee
Senior Vice President of Legal and Public Affairs, Center for Individual Freedom



Olivia Grady
Senior Fellow, Center for Worker Freedom



Catrin Wigfall
Policy Fellow, Center of the American Experiment (Minnesota)



Bob Luebke
Director of Policy, Civitas Institute (North Carolina)



David McIntosh
President, Club for Growth



Russell Hollrah
Executive Director, Coalition to Promote Independent Entrepreneurs



Nathan Benefield
Vice President & COO, Commonwealth Foundation (Pennsylvania)

Trey Kovacs
Policy Analyst, Competitive Enterprise Institute



Matthew Kandrach
President, Consumer Action for a Strong Economy (CASE)



Tom Schatz
President, Council for Citizens Against Government Waste



INSTITUTE
for the American Worker

Katie McAuliffe
Executive Director, Digital Liberty



Grant Callen
President, Empower Mississippi

Peter J. Ferrara
Dunn Liberty Fellow in Economics, The King's College
Senior Fellow, Heartland Institute
Senior Fellow, National Tax Limitation Foundation



Brian Minnich
Executive Vice President, Freedom Foundation (California, Oregon, Washington)



Adam Brandon
President, FreedomWorks



Victor Riches
President and CEO, Goldwater Institute (Arizona)



J. Scott Moody
CEO, Granite Institute (New Hampshire)



Tim Chapman
Executive Director, Heritage Action for America

Mario H. Lopez
President, Hispanic Leadership Fund



Fred Birnbaum
Vice President, Idaho Freedom Foundation and Idaho Freedom Action

Heather R. Higgins
CEO, Independent Women's Voice



F. Vincent Vernuccio, J.D.
President, Institute for the American Worker



Chris Ingstad
President, Iowans for Tax Relief



Sal J. Nuzzo
Vice President of Policy, The James Madison Institute (Florida)



Brett Healy
President, The John K. Maclver Institute for Public Policy (Wisconsin)



Becki Gray
Senior Vice President, John Locke Foundation (North Carolina)

Dave Trabert
President, Kansas Policy Institute



Connor Boyack
President, Libertas Institute (Utah)

Michael J. Reitz
Executive Vice President, Mackinac Center for Public Policy (Michigan)



Matthew Gagnon
CEO, Maine Heritage Policy Center



Carl Copeland
Executive Director, Massachusetts Fiscal Alliance

Jameson Taylor, Ph.D.
Vice President for Policy, Mississippi Center for Public Policy



Robert Fellner
Policy Director, Nevada Policy Research Institute

Douglas Kellogg
Executive Director, Ohioans for Tax Reform



Daniel J Erspamer
CEO, The Pelican Institute for Public Policy (Louisiana)



Lorenzo Montanari
Executive Director, Property Rights Alliance

David Y. Denholm
President, Public Service Research Council



Mike Stenhouse
CEO, Rhode Island Center for Freedom and Prosperity



Paul J. Gessing
President, Rio Grande Foundation (New Mexico)



Bette Grande
CEO, Roughrider Policy Center ND



Karen Kerrigan
President & CEO, Small Business & Entrepreneurship Council



Maureen Blum
Founder and Principal, Strategic Coalitions & Initiatives, LLC

Tim Andrews
Executive Director, Taxpayers Protection Alliance



Lynn Taylor
President, Tertium Quids (Virginia)



Christian N. Braunlich
President, Thomas Jefferson Institute for Public Policy (Virginia)



Carl Bearden
CEO, United for Missouri

Suzi Voyles
Georgia President for Eagle Forum
Georgia State Director for Maggie's List



Rick Esenberg
President and General Counsel, Wisconsin Institute for Law and Liberty

Worker Rights Alliance (Washington)



Heather Greenaway
Executive Director, Workforce Fairness Institute



Carol Platt Liebau
President, Yankee Institute for Public Policy (Connecticut)