

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

AMERICANS
for TAX REFORM

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.

AMERICAN COMMITMENT



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.

AMERICANS FOR A
STRONG ECONOMY



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



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

COUNCIL FOR



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



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)

NPRI



NEVADA POLICY
Research Institute

Brett Healy

President, The John K. MacIver Institute for Public Policy (Wisconsin)



**OHIOANS for
TAX REFORM**

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)