



September 24, 2019

The Honorable Bobby Scott  
Chairman  
Committee on Education and Labor  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Scott,

The American Pipeline Contractors Association (APCA) represents construction firms, manufacturers, and distributors who build, repair, and maintain interstate natural gas and oil pipeline systems across the country on behalf of many pipeline operators. As a national association of merit-shop contractors, APCA strongly opposes the Protecting the Right to Organize (PRO) Act (HR 2474), and we're encouraging members of the Education and Labor Committee to vote "nay" when the committee marks up the legislation this week.

In 2005, employer-side organizations lined up in opposition to the so-called Employee Free Choice Act (EFCA), which would have stripped employees of the right to secret ballots in union representation elections and allowed arbitrators to set contract terms regardless of the consequence to workers or businesses. Like the misguided EFCA, the PRO Act contains provisions that would allow arbitrators with no business experience and no accountability to set contract terms. The arbitrator's decision would be compulsory, regardless of whether the parties find the terms unacceptable or the arbitrator miscalculated what the company can actually afford.

The PRO Act would also codify into law the controversial Browning-Ferris Industries "joint-employer" standard, which would expose nearly every business relationship to liability for unlawful behavior committed by any entity with which they do business, including contractors and suppliers.

Many provisions included in HR 2474 are concerning, but most importantly, the PRO Act would limit employees' ability to choose or reject union representation through secret ballots, which was also a key provision in EFCA. While secret ballots are a vital component of any functioning democracy, the PRO Act would vastly increase the circumstances under which the government could impose union representation despite employees voting against such representation in a secret ballot election.

The bill would also significantly narrow the circumstances under which an individual can work as an independent contractor, which would diminish opportunities for individuals to find flexible ways to earn money on their term or start their own business. The bill also eliminates "right-to-work" protections nationwide, including in the twenty-seven states that have passed right-to-work laws, inevitably forcing workers to fund union activities they do not necessarily support.

The card check" process was rightly rejected by Congress during the debate on EFCA more than 10 years ago. The PRO Act is little more than an attempt to increase union membership at any cost, the bill would make radical changes to well-established law, diminish employees' rights to privacy and association, destroy businesses, and threaten entire industries that have fueled innovation, entrepreneurship and job creation. APCA strongly encourages lawmakers to vote against passage of HR 2474 when considered by the Education and Labor Committee.

Regards,

Members of the American Pipeline Contractors Association