



February 5, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi and Leaders Schumer, McCarthy and McConnell:

I write to express the National Retail Federation's strong opposition to the Protecting the Right to Organize (PRO) Act. NRF has significant concerns with this sweeping legislation and its infringement on both employee and employer rights. We respectfully ask you to oppose the Protecting the Right to Organize Act. Please note that NRF will consider votes for and co-sponsorship of the PRO Act and related amendments as part of the Retail Opportunity Index for our voting scorecard.

NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and internet retailers from the United States and more than 45 countries. Retail is the nation's largest private-sector employer, supporting one in four U.S. jobs — 52 million working Americans. Contributing \$3.9 trillion to annual GDP, retail is a daily barometer for the nation's economy.

The PRO Act would fundamentally redefine labor relations by codifying numerous radical proposals that have been rejected by the courts, the agencies charged with administering them, and/or Congress. This deeply flawed legislation would infringe on employers' due process rights, interfere with small businesses' ability to secure legal advice on complex labor matters, codify the controversial *Browning-Ferris* joint employer standard, and strip away critical "secondary boycott" protections that prevent a union from boycotting a neutral employer.

As bad as this bill is for employers, it is worse for workers. It would limit workers' free choice in union elections, repeal right-to-work protections in 27 states, and eviscerate critical employee privacy rights. It would allow union organizers unlimited access to sensitive employee

records, including but not limited to cell phone numbers, email addresses and home addresses. It would drastically reduce individuals' access to flexible work opportunities as independent contractors by adopting California's failed "ABC" test. It would deny workers their right to collective bargaining a first contract by instituting a binding arbitration process overseen by Washington bureaucrats.

The policies embedded in the PRO Act are beyond the pale of reasonable workforce policy. The legislation puts the interests of labor organizers and powerful unions before the rights of employees and employers. NRF stands ready to work with members of Congress on common-sense policies to foster economic growth, but this bill is completely unworkable for any employer, large or small. NRF strongly urges Congress to oppose the PRO Act.

Sincerely,

A handwritten signature in black ink, appearing to read "David French".

David French
Senior Vice President
Government Relations

cc: Members of United States Senate
Members of U.S. House of Representatives