



January 31, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

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

Dear Speaker Pelosi and Minority Leader McCarthy:

I write to share the National Retail Federation's strong opposition to H.R. 2474, 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. **Please note that NRF may consider votes on H.R. 2474 and related amendments as Opportunity Index Votes for our annual 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 – 42 million working Americans. Contributing \$2.6 trillion to annual GDP, retail is a daily barometer for the nation's economy.

The PRO Act seeks to fundamentally redefine labor relations by codifying radical proposals that have been rejected by the courts, the agencies charged with administering them, and/or Congress. H.R. 2474 would limit workers' free choice in union elections, repeal right-to-work protections in 27 states, and eviscerate critical employee privacy rights. Specifically, the bill would require employers to turn over sensitive employee records – including but not limited to cell phone numbers, email addresses, and home addresses – to unions without employees' consent and with no ability for employees to opt out.

In addition, the PRO Act would infringe on employers' due process rights, interfere with small business' 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. H.R. 2474 would also drastically reduce individuals' access to flexible work opportunities as independent contractors by adopting the controversial "ABC" test. These provisions and the many other extreme provisions included in the bill overturn well-established law and put the interests of labor unions before the rights of employees and employers.

NRF stands ready to work with members of Congress on policies that bolster employer and employee rights and support economic growth. However, H.R. 2474 would have serious consequences for employees, employers, and our economy, and NRF strongly urges members to oppose the PRO Act.

Sincerely,

A handwritten signature in black ink, appearing to read "David French", written in a cursive style.

David French
Senior Vice President
Government Relations