



555 12th Street NW, Suite 1001
Washington, D.C. 20004

1-800-552-5342
NFIB.com

March 6, 2025

The Honorable Bill Cassidy
Chairman
Committee on Health, Education, Labor, &
Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, D.C. 20510

The Honorable Bernie Sanders
Ranking Member
Committee on Health, Education, Labor, &
Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, D.C. 20510

Dear Chairman Cassidy and Ranking Member Sanders:

On behalf of NFIB, the nation's leading small business advocacy organization, I write in strong opposition to S. 852 the *Richard L. Trumka Protecting the Right to Organize (PRO) Act of 2025*. This radical legislation would dramatically upend long-standing employment law in favor of labor unions at the expense of small businesses and American workers. The legislation is anti-worker, anti-free choice, and anti-small business. It includes numerous policies that small businesses overwhelmingly oppose.

For example, the *PRO Act* would allow unions to participate in secondary boycotts throughout the supply chain, which would inflict economic damage on small businesses that have nothing to do with a labor dispute. 92% of NFIB members oppose legislation that allows unions to picket an employer's suppliers and customers during a labor dispute.¹

Additionally, the bill would require employers to provide personal contact information for employees to union organizers, which would infringe upon the employer-employee relationship. 93% of NFIB members oppose requiring employers to provide the personal contact information of their employees to union organizers.²

The legislation would codify the National Labor Relation Board's (NLRB's) *Browning-Ferris Industries* joint-employer standard, which essentially turns the small business owners who are

¹ NFIB Member Ballot, Mandate vol. 573, August 2018, *Should Congress pass legislation that allows unions to picket an employer's suppliers and customers during a labor dispute?* (Yes: 3% No: 92% Undecided: 4%)

² NFIB Member Ballot, Mandate vol. 575, August 2019, *Should employers be required to provide the personal contact information of employees to union organizers?* (Yes: 2% No: 93% Undecided: 5%)

independent franchisees into managers with no control over the terms and conditions of their workforce. Further, this provision could make contractors liable for the hiring practices of their subcontractors, which is opposed by 89% of NFIB members.³

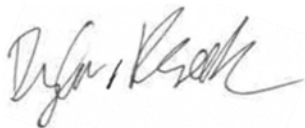
The legislation would implement a strict, complex, and arbitrary employee vs independent contractor classification test, similar to California's "ABC" test. When put in practice, the "ABC" model has been proven to be unworkable and has burdened workers and small businesses with more red tape and compliance costs. The independent contractor model proposed by the *PRO Act* would significantly curtail the right of workers to work independently and prevent small business owners from utilizing independent contractors. 95% of NFIB members believe small businesses should be able to hire independent contractors to perform tasks essential to their business.⁴

Further, the *PRO Act* would abolish state "Right to Work" laws by eliminating section 14(b) of the National Labor Relations Act (NLRA) and would require all employees in unionized workplaces to contribute fees to a labor organization even if the employee is not a member of the labor organization. 73% of NFIB members believe there should be a national right-to-work law.⁵

Lastly, the legislation would ban so-called "captive audience" meetings, which are no more than business meetings that allow workers to hear the downsides of unionizing and give workers the full picture, allowing them to make a free and informed decision on whether to unionize or not. 91% of NFIB members oppose limiting the ability of employers to speak to their workers during union campaigns and elections.⁶

The *PRO Act* contains policy proposals that are not only overwhelmingly opposed by small business owners but have also been dismissed in the courts and rejected by Congress for decades. NFIB strongly opposes the *PRO Act of 2025* and urges Congress to reject the legislation.

Sincerely,



Dylan Rosnick
Principal, Federal Government Relations
NFIB

³ NFIB Member Ballot, Mandate vol. 567, August 2015, *Should a contractor be responsible for a subcontractor's hiring practices?* (Yes: 7% No: 89% Undecided: 5%)

⁴ NFIB Member Ballot, Mandate vol. 576, March 2020, *Should businesses be able to hire independent contractors to perform tasks essential to their business?* (Yes: 95% No: 2% Undecided: 3%)

⁵ NFIB Member Ballot, Mandate vol. 563, March 2013, *Should there be a national right-to-work law?* (Yes: 73% No: 18% Undecided: 8%)

⁶ NFIB Member Ballot, Mandate vol. 558, April 2010, *Should Congress limit the ability of employers to speak to their workers during union campaigns and elections?* (Yes: 5% No: 91% Undecided: 5%)