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May 21, 2026

Dear Representative,

On behalf of NFIB, the nation's leading small business advocacy organization, I write in strong opposition to H.R. 5408, the *Faster Labor Contract Act*. The legislation is likely unconstitutional and would strip newly unionized small businesses and their employees of their right to freely negotiate the terms and conditions of collective bargaining agreements. **This vote in opposition to H.R. 5408 will be considered an NFIB Key Vote for the 119<sup>th</sup> Congress.**

NFIB member ballots show that 81% of NFIB members oppose requiring newly unionized businesses to enter federally supervised arbitration to determine wages and benefit terms.<sup>1</sup> Yet, H.R. 5408 would force newly unionized small businesses into binding arbitration, should a collective bargaining agreement not be reached in 120 days. A government-appointed arbitrator would write and impose a binding two-year labor contract onto small businesses and their employees without their advice, consent, or approval.

The most concerning part of the legislation for small businesses is that these government-written contracts do not have to ensure viability of the business, essentially putting small businesses at the mercy of government bureaucrats. H.R. 5408 could lead to small businesses being forced to close their doors forever due to an unviable labor contract imposed on them by the federal government, leaving the business owner without their livelihood and their employees worse off without their job.

Further, H.R. 5408 is likely unconstitutional by violating the takings clause, equal protection, and due process protections in the constitution. The *Faster Labor Contracts Act* is a radical piece of legislation that will dramatically expand the federal government's size, increase its involvement in the operations of small businesses nationwide, and give government bureaucrats the power to determine which businesses survive and which close.

**NFIB strongly opposes H.R. 5408, the *Faster Labor Contracts Act*, and a vote in opposition of H.R. 5408 will be considered an NFIB Key Vote for the 119<sup>th</sup> Congress.**

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<sup>1</sup> Mandate vol. 557, NFIB Member Ballot, January 2009, *Should Congress require newly unionized businesses to enter into federally supervised arbitration to determine wages and benefit terms?* (Yes: 8% No: 81% Undecided: 10%) (Mandate, vol. 557, January 2009)

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Temple". The signature is written in a cursive style with a large, stylized initial "A" and a long, sweeping underline.

Adam Temple  
Senior Vice President for Advocacy  
NFIB