May XX, 2021

The Honorable Roger Marshall

U.S. Senate

B33 Russell Senate Office Building
Washington, D.C. 20510

The Honorable James Comer

U.S. House of Representatives

2410 Rayburn House Office Building
Washington, D.C. 20515

Dear Sen. Marshall and Rep. Comer:

The undersigned organizations write in strong support of the “Save Local Business Act,” and we commend you both for your efforts to support workers and small businesses through this legislation. This commonsense bill would amend the National Labor Relations Act and the Fair Labor Standards Act to make clear that an employer may be considered a joint employer in relation to an employee only if such employer directly, actually, and immediately, and not in a limited and routine manner, exercises significant control over the essential terms and conditions of employment. This legislation comes at a critical time in the economic recovery when so many small businesses are emerging from the COVID-19 pandemic and are seeking legal clarity to help them grow their businesses, create jobs, serve their communities and meet local, state and federal obligations to their employees, customers and the general public.

Your legislation stands in stark contrast to the “Protecting Right to Organize Act (PRO Act, H.R. 842/S. 420),” which would devastate many small businesses that have survived a very challenging pandemic. The PRO Act would codify into law the National Labor Relations Board’s controversial *Browning-Ferris Industries* joint employer standard, and expose nearly every business relationship to liability for unlawful behavior committed by business partners, such as contractors, suppliers, and franchisees. Out of fear of this increased responsibility, larger corporations will stop assisting their franchisees, contractors, or suppliers, impose far more control over them, abandon the franchise model, or cease partnering with, more specialized businesses. In these circumstances, small business owners will bear the negative repercussions of this policy change, and the American dream will be far more difficult to achieve.

Thank you again for your work on this important legislation, and we look forward to working with you to help foster an economic and legal landscape that helps America’s small businesses recover from the COVID-19 pandemic and thrive long into the future.

Sincerely,

American Hotel & Lodging Association

American Bakers Association

American Supply Association

American Trucking Associations

Argentum

Asian American Hotel Owners Association

Associated Builders and Contractors

Associated Equipment Distributors

Associated General Contractors

The Association for Hose and Accessories Distribution

Catapult

Consumer Technology Association

Equipment Services Association

Fluid Power Distributors Association

Foodservice Equipment Distributors Association

Franchise Business Services

Global Cold Chain Alliance

HR Policy Association

Home Care Association

Institute for the American Worker

International Association of Plastics Distribution

International Foodservice Distributors Association

International Franchise Association

International Sealing Distribution Association

International Council of Shopping Centers

Manufactured Housing Institute

Metals Service Center Institute

NACS

NFIB

National Association of Manufacturers

National Association of Professional Employer Organizations

National Association of Truckstop Operators

National Association of Wholesaler-Distributors

National Council of Chain Restaurants

National Franchisee Association

National Grocers Association

National Marine Distributors Association

National Ready Mixed Concrete Association

National Restaurant Association

National Retail Federation

National Roofing Contractors Association

National Small Business Association

National Waste & Recycling Association

Outdoor Power Equipment and Engine Service Association

Petroleum Equipment Institute

Retail Packaging Association
Security Hardware Distributors Association

Small Business & Entrepreneurship Council

Society of Independent Gasoline Marketers of America

Society for Human Resource Management

Tile Roofing Industry Alliance

Truck Renting and Leasing Association

U.S. Chamber of Commerce

Wholesale Florist and Florist Supplier Association

Workplace Policy Institute