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Washington, D.C. 20004

Via email and
First Class Mail

May 13, 2021

The Honorable Kamala D. Harris
Vice President of the United States
and Chair of the Task Force on
Worker Organizing and Empowerment
The White House
Washington, DC 20501

Dear Madam Vice President:

The National Federation of Independent Business (NFIB) writes to you in your capacity as Chair of the Task Force on Worker Organizing and Empowerment under Executive Order 14025 of April 26, 2021. NFIB urges the Task Force to: (1) protect the capacity of America's small and independent business to create jobs, (2) respect the traditional role of the States in our federal system, and (3) respect the votes and actions of workers when they decline to unionize just as much as when they choose to unionize.

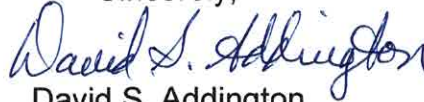
The first and most important step for empowerment of a worker is a job. As the Biden White House stated in a fact sheet on February 22, 2021, "Small businesses account for 44 percent of U.S. GDP, create two-thirds of net new jobs, and employ nearly half of America's workers." Section 1 of the Executive Order makes clear that President Biden seeks increased wages, employer-provided benefits, and job security for union members. NFIB hopes the Administration will encourage growth of the economy for the benefit of all rather than simply redistribution of the fruits of a static or shrinking economy in favor of union members. Unless a business grows, a union that negotiates more money from that business for its members leaves less money for the business to use to create new jobs. The Biden Administration should discourage a situation in which union workers fight to obtain more money for themselves but deprive other workers of potential jobs. NFIB urges the Task Force to take care in its work not to injure the capacity of America's small and independent businesses to grow and create jobs.

Section 2(b) of the Executive Order refers to promoting worker power "in areas of the country with hostile labor laws." Notwithstanding the unbecoming characterization of valid labor laws passed by democratically elected representatives of the people in the States as "hostile," NFIB hopes that the work of the Task Force will proceed with proper respect for the traditional role of the states in our federal system, including with respect to state legislation on economic freedoms such as the right to own, operate, and grow a business and the right, as recognized in section 14(b) of the National Labor Relations Act (NLRA) (29 U.S.C. 164(b)), of people to work.

Finally, section 1 of the Executive Order lauds government promotion of "support for workers organizing unions" and regrets the "steady decline in union density in the United States." But, whatever a President's policy preferences may be, the President has a constitutional duty to "take Care that the Laws be faithfully executed." President Biden may well be, as he promised in Beaver County, Pennsylvania, on election eve, "the most pro-union President you've ever seen," but he must faithfully execute section 7 of the NLRA (29 U.S.C. 157). Section 7 states that employees "shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) of this Act." The statute puts the individual worker in the driver's seat to join or not join a union and to vote either for or against a union. NFIB urges the Task Force to ensure full respect for the decisions of those who wish to unionize and those who do not.

Thank you for the opportunity to present the views of NFIB as the Task Force on Worker Organizing and Empowerment develops its recommendations for the President. Please make your recommendations consistent with a robust free market economy in which small and independent businesses continue to play their crucial role in furnishing goods and services and creating jobs.

Sincerely,



David S. Addington

Executive Vice President and General Counsel

cc: The Honorable Martin J. Walsh
Secretary of Labor and Task Force Vice Chair