



March 11, 2021

The Honorable Charles "Chuck" Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Chairwoman
Committee on Health, Education,
Labor & Pension
United States Senate
Washington, DC 20510

The Honorable Richard Burr
Ranking Member
Committee on Health, Education
Labor & Pension
United States Senate
Washington, DC 20510

Dear Senator Schumer, McConnell, Murray, and Burr:

I am writing on behalf of the members of the Transportation Intermediaries Association (TIA), in strong opposition to H.R. 842, the "Protecting the Right to Organize Act," or the PRO Act. The PRO Act will dramatically restructure the way businesses operate as well as change the relationship between employers and their employees. The bill was passed out of the House of Representatives, 225-206.

TIA represents more than 1,600 member companies, all of which play a vital role in the supply chain and economy. During the COVID-19 pandemic, TIA Members were at the forefront of operating through this crisis. Our members worked tirelessly to ensure stores were stocked and essential products, including medicines, were delivered safely and on time. TIA Members rely heavily on independent contractor business models in their day-to-day operations. TIA is specifically concerned that certain provision within the three-prong "ABC Test," especially relating to "work outside the course of hiring entity's business," this language potentially brings independent carriers under the authority of the contracting broker. TIA Members contract with thousands of small trucking companies every day, and this relationship is mutually agreed to and has worked for all parties. Changing the status quo would make our member companies liable for everything from healthcare to wages. Congress has specifically prohibited coercion of carriers from brokers and this language directly crosses this intent. This anti-worker and anti-business legislation re-defines the American worker, essentially dictating the type of work they may perform.

As written, the legislation puts the federal government between workers and their companies in an unprecedented fashion by controlling major aspects of the employer and employee relationship. This legislation implements a version of California's radical ABC Test, a regulatory test that all but ensures individuals will remain employees instead of independent contractors, irrespective of the individual's own wishes, and without regard to significant unintended consequences faced by independent workers.

The legislation also legalizes "secondary strikes," which could not only place a business in a labor dispute but also the entity that supports or contracts with that specific business. The bill would empower the National Labor Relations Board (NLRB) to levy fines and punitive damages for minor or technical errors, which would create a level of fear among business owners.

Frankly, the legislation seems oblivious to the potential for genuine economic hardships faced by critical businesses and their employees should this bill pass. It comes at a time that while unemployment continues to decline, the nation continues slowly to heal after a global pandemic.

The Voice of the Third-Party Logistics Industry

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Again, on behalf of the 1,600 member companies that TIA represents, thank you for your willingness to engage on this issue. If I can provide any additional information on this matter, please do not hesitate to contact me or our Vice President of Government Affairs, Chris Burroughs, advocacy@tianet.org.

Sincerely,

A handwritten signature in black ink that reads "Anne C Reinke".

Anne C. Reinke
President & CEO
Transportation Intermediaries Association

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