



December 8, 2023

Dear Member of Congress,

I urge you to cosponsor H.J. Res. 98 / S.J. Res. 49, a Congressional Review Act (CRA) resolution to overturn the National Labor Relations Board (NLRB) final rule “Standard for Determining Joint Employer Status” published on October 27th.

The final rule issued by NLRB broadly expands the traditional understanding of the joint employer standard, increasing liability for businesses and ensuring wide-sweeping economic harm. I am proud to stand behind bipartisan CRA efforts led by Congressman John James (R-Mich.) in the House and Senators Bill Cassidy (R-La.) and Joe Manchin (D-W.Va.) in the Senate to protect American small businesses, workers, and consumers from this reckless bureaucratic action.

Longstanding precedent has held that two businesses should only be held as jointly responsible for the same set of employees if they both exert direct and immediate control over key aspects of employment. **This framework allowed business models like franchising and temporary work arrangements to thrive, creating jobs, boosting economic productivity, and enabling many Americans to become first-time small business owners.**

In their new rule, NLRB drastically rewrote this framework, declaring that businesses can be held as joint employers on the basis of “indirect control,” or even on the basis of theoretical control which has never been exercised. When a similarly expansive rule was issued in 2015, studies indicated that franchise businesses could have seen billions of dollars in losses and hundreds of thousands of lost job opportunities for their workers.

The costs of the new rule, which could be even higher than under the 2015 standard, will further pass through to consumers in the form of higher prices. In an economic landscape already destabilized by inflation, the average American cannot afford for the NLRB to carelessly push forward with more costly regulations.

As the branch most representative of and responsive to the people, Congress is tasked with protecting Americans from bureaucratic overreach and the economic devastation that may accompany it. **I strongly encourage you to cosponsor H.J. Res. 98 / S.J. Res. 49 to protect Americans from the NLRB’s overreach on the joint employer standard.**

Onward,

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