



**2020-2024**

**POLICY AND  
POSITION STATEMENTS**

This manual is a record of policies and positions taken by the  
Board of Directors and Executive Committee of the  
Mobile Area Chamber of Commerce  
over the past five years, and is current through December 2024.

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# **LEGISLATIVE AGENDAS**

**2020**

**2021**

**2022**

**2023**

**2024**

# MOBILE AREA CHAMBER OF COMMERCE

## 2020 LEGISLATIVE ACTION ITEMS

**WE ARE THE CHAMBER, AND WE HAVE SERVED AS MOBILE'S PROGRESSIVE BUSINESS ADVOCATE SINCE 1836. MOBILE CONNECTS ALABAMA TO THE WORLD, AND THE CHAMBER IS HERE TO LOBBY FOR LEGISLATION THAT GROWS MOBILE AND ALABAMA'S INFLUENCE IN THE REGION ACROSS THE COUNTRY AND AROUND THE WORLD.**

### **FUNDAMENTAL FOUNDATIONS FOR ALABAMA**

- ★ Primarily through deepening and widening the Port of Mobile and building the I-10 bridge, the Mobile Area Chamber of Commerce supports increasing Alabama's investment in transportation infrastructure to sustain and promote economic growth, job creation, quality of life and public safety. The Chamber recognizes there is a gap between current state resources and what is required to address the highway, bridge, and other road maintenance and capital needs in Alabama today and in the future, specifically for critical needs such as completing the four-laning of U.S. Highway 98.
- ★ Advocate for adequately funding Alabama's Education budget, including Alabama's first-class pre-kindergarten, career tech, dual enrollment and other innovative programs, in order to ensure a competitive increase in student scoring, higher graduation rates and competitive college and career-ready graduates; maintain high academic standards and expectations for all Alabama students such as those found in the Alabama College and Career Ready Standards or Common Core.
- ★ Seek the fiscal year 2021 state budget appropriation for the University of South Alabama that reflects the institution's positive impact on its students, community and our region, along with additional funding to support USA Health in recognition of its unique mission as the region's only health care provider with a Level One Trauma Center, Burn Unit and Neonatal Intensive Care facility.
- ★ Support a fiscal year 2021 state budget appropriation for the Dauphin Island Sea Lab that reflects the institution's increased state-wide student and faculty participation in its nationally acclaimed education and research programs and supports the needed modernization of infrastructure to meet future programmatic growth.
- ★ In order to ensure the consistent and bi-partisan management of the planning, building and maintaining of the state's multimodal transportation system and the long-term management of state transportation planning and revenues, the Mobile Area Chamber supports legislation to allow for a board-governance structure and a non-political, board-appointed director of the Alabama Department of Transportation.
- ★ Advocate for a "yes" vote on a November 2020 statewide amendment to recompile Alabama's state Constitution, removing racist language and redundancy. Alabama legislators unanimously approved the amendment during the 2019 legislative session. The recompiling will be done by Alabama Legislative Services and must be approved by the legislators and the voters in 2022.

### **SUPPORTING AMERICA'S LARGEST EMPLOYER, SMALL BUSINESSES**



- ★ Preserve jobs and economic growth in all sectors through the reduction of overly burdensome regulations that increase the cost of doing business, create uncertainty and have the potential to stifle growth.
- ★ Encourage the creation of a cabinet-level position in the executive branch to focus on the creation and growth of small businesses and entrepreneurial development in Alabama.
- ★ Support the growth and development of Mobile's entrepreneurial community and Innovation PortAL's mapping of entrepreneurial talent to meet the growing technological needs of industry with early state funding opportunities such as the State of Alabama Full Sail fund. The Full Sail entrepreneurial fund will provide much-needed programming, skills training and funding for entrepreneurial clients, as well as enable the engagement of local industry to identify technological solutions to small business challenges.
- ★ In order to avoid excessive and frivolous lawsuits and ensure fully-accessible public buildings and spaces, close the loophole in Title III of the American with Disabilities Act, by providing clearer rules for identifying and correcting ADA access violations and allowing business and property owners the opportunity to address and correct minor ADA infractions in a defined period of time, prior to an allowable civil law suit.
- ★ Protect an employer's right to provide a safe workplace by opposing any legislation that would keep an employer or property owner from restricting firearm possession on company or private property.
- ★ Support all efforts to decrease workers' compensation medical costs in Alabama by decreasing fraud in unemployment and workers' compensation claims with stronger statutes:
  - Maintain current Alabama laws that support an employer's right to choose the treating physician and second physician in workers' compensation claims.
  - Enact statutes that allow businesses to perform the Workman's Compensation claim checks prior to hire.

#### **MADE BY ALABAMA, FOR AMERICA and THE WORLD**

- ★ Maintain federal military contracts with Mobile-area employers, particularly the construction of Austal USA's Littoral Combat Ships, Expeditionary Fast Transport vessels, autonomous vehicle development and post-delivery support to the U.S. Navy.
- ★ Support Austal USA's bid to build the US Navy's Frigate and increase employment in Mobile.
- ★ Support fair trade and investment policy that expand access to international markets, reduce trade barriers, and increase foreign direct investment creating a level playing field to put Mobile area families, businesses, and workers first and improving the overall international competitiveness of Alabama exporters.

# *Advocate*

## **MOBILE AREA CHAMBER OF COMMERCE**

### **2021 LEGISLATIVE ACTION ITEMS**

**WE ARE THE CHAMBER, AND WE HAVE SERVED AS MOBILE'S PROGRESSIVE BUSINESS ADVOCATE SINCE 1836. MOBILE CONNECTS ALABAMA TO THE WORLD, AND THE CHAMBER IS HERE TO ADVOCATE FOR LEGISLATION THAT GROWS MOBILE AND ALABAMA'S INFLUENCE IN THE REGION, ACROSS THE COUNTRY, AND AROUND THE WORLD.**

#### **FUNDAMENTAL FOUNDATIONS FOR ALABAMA**

- \* As businesses continue to operate and provide their services to the community, they must do so without the threat of unwarranted lawsuits associated with coronavirus. The Mobile Area Chamber of Commerce supports codifying the Governor's Safe Harbor Proclamation to provide businesses and healthcare providers protection against civil liability resulting from the contraction of the coronavirus.
- \* The Mobile Area Chamber of Commerce supports increasing Alabama's investment in transportation infrastructure to sustain and promote economic growth, job creation, quality of life and public safety. The Chamber recognizes there is a gap between current state resources and what is required to address the highway, bridge, and other road maintenance and capital needs in Alabama today and in the future, specifically for critical needs such as building the I-10 Mobile River bridge and completing the four-laning of U.S. Highway 98.
- \* Advocate for adequately funding Alabama's Education budget, including Alabama's first-class pre-kindergarten, career tech, dual enrollment and other innovative programs, in order to ensure a competitive increase in student scoring, higher graduation rates and competitive college and career ready graduates; maintain high academic standards and expectations for all Alabama students such as those found in the Alabama College and Career Ready Standards or Common Core.
- \* Seek a fiscal year 2022 state budget appropriation for the University of South Alabama that reflects the institution's positive impact on its students, community and our region, along with additional funding to support USA Health in recognition of its unique mission as the region's only health care provider with a Level One Trauma Center, Burn Unit and Neonatal Intensive Care facility.
- \* Advocate for the official recognition of Dauphin Island Sea Lab Estuarium as the

Aquarium of Alabama and support a fiscal year 2022 state budget appropriation for DISL that reflects the institution's increased state-wide student and faculty participation in its nationally acclaimed education and research programs and supports the needed modernization of infrastructure to meet future programmatic growth.

- \* In order to ensure the consistent and bi-partisan management of the planning, building and maintaining of the state's multimodal transportation system and the long-term management of state transportation planning and revenues, the Mobile Area Chamber supports legislation to allow for a tax-exempt Mobile Airport Authority.
- \* Preserve the integrity of Alabama's First Congressional District through the 2021 redistricting process. It is imperative that Mobile and Baldwin counties remain together as a congressional district to build upon – and not harm – the united regional and business leadership that is unique to southwest Alabama.
- \* Protect all businesses by reversing the judicially created “discovery rule” for allegations of exposure in toxic tort cases and return to the traditional rule in Alabama that the statute of limitations for allegations of personal injury due to exposure is two years from the date of the last exposure.

#### **SUPPORTING SMALL BUSINESSES, AMERICA'S LARGEST EMPLOYER**

- \* Preserve jobs and economic growth in all sectors through the reduction of overly burdensome regulations that increase the cost of doing business, create uncertainty and have the potential to stifle growth.
- \* Encourage the representation and engagement of the Alabama Innovation Commission and the Alabama STEM Council to improve the creation and growth of small businesses and entrepreneurial development in Alabama as well as workforce development opportunities across the state.
- \* Support the growth and development of Mobile's entrepreneurial community and Innovation Portal's mapping of entrepreneurial talent to meet the growing technological needs of industry with state funding opportunities. Promote efforts to provide much-needed programming, skills training and funding for entrepreneurial clients, as well as enable the engagement of local industry to identify technological solutions to small business challenges.
- \* In order to avoid excessive and frivolous lawsuits and ensure fully-accessible public buildings and spaces, close the loophole in Title III of the American with Disabilities Act, by providing clearer rules for identifying and correcting ADA access violations and allowing business and property owners the opportunity to address and correct minor ADA infractions in a defined period of time, prior to an allowable civil law suit.
- \* Protect an employer's right to provide a safe workplace by opposing any legislation that would keep an employer or property owner from restricting firearm possession on company or private property.
- \* Support measures to replenish the state's unemployment insurance trust fund that mitigates the impact of increased taxes on Alabama businesses, particularly small businesses, that are facing unprecedented unemployment insurance tax increases due to the ongoing pandemic.
- \* Ensure small businesses are truly protected from being frivolously named in lawsuits as part of forum shopping by supporting legislation to amended Ala. Code 6-5-501(2)(a)

and 6-5-521 to make clear that the only exception to the immunity of innocent distributors is independent torts wholly unrelated to product liability claims.

### **MADE BY ALABAMA, FOR AMERICA and THE WORLD**

- \* Maintain federal military contracts with Mobile-area employers, particularly the Navy's shipbuilding blueprint for the future which includes current and future small surface combatants and auxiliary ships to incorporate autonomous and unmanned surface vehicles and Expeditionary Fast Transports.
- \* Support free and fair trade and investment policies that expand access to international markets, reduce trade barriers, and increase foreign direct investment creating a level playing field to put Mobile area families, businesses, and workers first and improving the overall international competitiveness of Alabama exporters.

### **KEEPING ALABAMA OPEN FOR BUSINESS**

- \* Continued support to fund the U.S. Army Corps of Engineers Mobile District Civil Works program in support of the deepening and widening and the annual operations and maintenance dredging of the Mobile Ship Channel; maintain necessary funding for the operation and maintenance of Alabama's commerce waterways, including the deepening of the Bayou la Batre and Coden ship channels.
- \* Support the funding and construction of the proposed I-10 Mobile River Bridge and partner with the Alabama Department of Transportation and the Federal Highway Administration to actively seek construction funding through Infrastructure For Rebuilding America (INFRA) Grants and other sources.
- \* Support the extension of the state income tax credit through 2029 for rehabilitation of certified historic structures, a proven incentive for bringing more investment capital into projects that will use it directly for job creation and sustained economic activity.
- \* Continued support for the renewal of economic development tax incentives, the Alabama Jobs Act and the Growing Alabama Tax Credit. These programs have become the foundation of the state's economic development efforts, and they have been tied to the state's largest new industry announcements in recent years.

### **A HEALTHY ALABAMA**

- \* Support measures to address the growing opioid crisis in Alabama that has detrimental effects on the availability of a qualified workforce, workplace safety and overall community health.
- \* Support a provider-driven approach to reforming Alabama's current Medicaid program to ensure access to care, control costs and maximize the return of Alabama's tax dollars to the state.
- \* Seek a permanent funding source for Mobile's Programs for All-inclusive Care of the Elderly (PACE) and the expansion of such programs across the state in order to draw down increased federal funds for the medical care of the state's growing nursing home population at a cost savings to Medicaid.

**GOOD STEWARDSHIP OF ALABAMA'S NATURAL RESOURCES**

- \* Support the continuation of federal payments to Alabama, specifically Mobile and Baldwin counties, from the 2006 Gulf of Mexico Energy Security Act (GOMESA). Under GOMESA, Alabama, Mississippi, Louisiana and Texas receive a share of revenue from oil and gas drilling in federal waters, which helps address coastal restoration, hurricane protection and watershed management programs in coastal Alabama.

**TRAINING and ADVANCING ALABAMA'S WORKFORCE**

- \* Continue to identify needs and support demand-driven strategic workforce training initiatives in south Alabama's key economic growth sectors, including aerospace, maritime and advanced manufacturing.
- \* As prison reform is addressed, advocate for reentry and job skills training programs to meet the need for able-bodied workers in our region.



# 2022 LEGISLATIVE AGENDA

*The Mobile Area Chamber of Commerce has served as the Mobile Bay Area's progressive business advocate since 1836. Mobile connects Alabama to the world, and the Chamber is here to advocate for legislation that grows Mobile and Alabama's influence in the region, across the country and around the world.*

## FUNDAMENTAL FOUNDATIONS FOR ALABAMA

The Mobile Area Chamber of Commerce supports increasing Alabama's investment in transportation infrastructure to sustain and promote economic growth, job creation, quality of life and public safety. The Chamber recognizes there is a gap between current state resources and what is required to address the highway, bridge, and other road maintenance and capital needs in Alabama today and in the future, specifically for critical needs such as building the I-10 Mobile River bridge and completing the four-laning of U.S. Highway 98 from Mobile's city-limits to the Mississippi state line.

Work in support of the Mobile Airport Authority's efforts to secure final funding of Mobile's new downtown airport at the Brookley Aeroplex.

Advocate for adequately funding Alabama's Education budget, including Alabama's first-class pre-kindergarten, career tech, dual enrollment and other innovative programs, in order to ensure a competitive increase in student scoring, higher graduation rates and competitive college and career ready graduates; maintain high academic standards and expectations for all Alabama students such as those found in the Alabama College and Career Ready Standards or Common Core.

Support a fiscal year 2023 state budget appropriation for the University of South Alabama that reflects the institution's positive impact on its students, community and our region, along with additional funding to support USA Health in recognition of its unique mission as the region's only academic health care provider with a Level One Trauma Center, Burn Unit and Neonatal Intensive Care facility.

Preserve the integrity of Alabama's First Congressional District through the 2021 redistricting process. It is imperative that Mobile and Baldwin counties remain together as a congressional district to build upon – and not harm – the united regional and business leadership that is unique to southwest Alabama.

## SUPPORTING SMALL BUSINESSES, AMERICA'S LARGEST EMPLOYER

Preserve jobs and economic growth in all sectors through the reduction of overly burdensome regulations that increase the cost of doing business, create uncertainty and have the potential to stifle growth.

Encourage the representation and engagement of the Alabama Innovation Commission and the Alabama STEM Council to improve the creation and growth of small businesses and entrepreneurial development in Alabama as well as workforce development opportunities across the state.

Support the growth and development of Mobile's entrepreneurial community and Innovation Portal's mapping of entrepreneurial talent to meet the growing technological needs of industry with state funding opportunities. Promote efforts to provide much-needed programming, skills training and funding for entrepreneurial clients, as well as enable the engagement of local industry to identify technological solutions to small business challenges.

Protect an employer's right to provide a safe workplace by opposing any legislation that would keep an employer or property owner from restricting firearm possession on company property.

Oppose any efforts to eliminate the necessity of obtaining a concealed carry permit.

Support measures to replenish the state's unemployment insurance trust fund that mitigates the impact of increased taxes on Alabama businesses, particularly small businesses, that are facing unprecedented unemployment insurance tax increases due to the ongoing pandemic.

## A HEALTHY ALABAMA

Support measures to address the growing opioid crisis in Alabama that has detrimental effects on the availability of a qualified workforce, workplace safety and overall community health.

Support a provider-driven approach to reforming Alabama's current Medicaid program to ensure access to care, control costs and maximize the return of Alabama's tax dollars to the state.

Seek a permanent funding source for Mobile's Programs for All-inclusive Care of the Elderly (PACE) and the expansion of such programs across the state in order to draw down increased federal funds for the medical care of the state's growing nursing home population at a cost savings to Medicaid.

## GOOD STEWARDSHIP OF ALABAMA'S NATURAL RESOURCES

Support the continuation of federal payments to Alabama, specifically Mobile and Baldwin counties, from the 2006 Gulf of Mexico Energy Security Act (GOMESA). Under GOMESA, Alabama, Mississippi, Louisiana and Texas receive a share of revenue from oil and gas drilling in federal waters, which helps address coastal restoration, hurricane protection and watershed management programs in coastal Alabama.

Advocate for investments in climate resilient infrastructure like a new I-10 bridge in an effort to mitigate damage from future storms.

## KEEPING ALABAMA OPEN FOR BUSINESS

The Mobile Area Chamber of Commerce continues to advocate for the protection of businesses, both large and small, from legislation that would open the door to frivolous lawsuits, especially coronavirus-related litigation.

Advocate for legislation that protects existing business infrastructure and creates an attractive environment for economic development, ensuring Alabama is widely known as a business-friendly state.

Support the funding and construction of the proposed I-10 Mobile River Bridge and partner with the U.S. Department of Transportation and the Alabama Department of Transportation to actively seek construction funding through Infrastructure For Rebuilding America (INFRA) Grants and other sources.

Support all efforts to ensure a continue historic tax credit program for certified historic structures, a proven incentive for bringing more investment capital into projects that will positively impact job creation and promote sustained economic activity.

Support the renewal of the tax exemption for certain materials used in the reconfiguration of aircraft - materials which ultimately become part of the final, completed aircraft.

Support growth in the film and music industry in the State of Alabama by advocating for raising the \$20M incentive cap.

Continue support to fund the U.S. Army Corps of Engineers Mobile District Civil Works program in support of the deepening and widening and the annual operations and maintenance dredging of the Mobile Ship Channel; maintain necessary funding for the operation and maintenance of Alabama's commerce waterways, including the deepening of the Bayou la Batre and Coden ship channels.

## TRAINING & ADVANCING ALABAMA'S WORKFORCE

Continue to identify needs and support demand-driven strategic workforce training initiatives in south Alabama's key economic growth sectors, including aerospace, maritime, advanced manufacturing and tourism.

Work to meet the need for able-bodied workers in our region by advocating for reentry and job skills training programs for those currently in correctional facilities, serving sentences for non-violent crimes.

## MADE BY ALABAMA, FOR AMERICA & THE WORLD

Maintain federal military contracts with Mobile-area employers, particularly the Navy's shipbuilding blueprint for the future which includes current and future small surface combatants and auxiliary ships to incorporate autonomous and unmanned surface vehicles and Expeditionary Fast Transports.

Support free and fair trade and investment policies that expand access to international markets, reduce trade barriers, and increase foreign direct investment creating a level playing field to put Mobile area families, businesses, and workers first and improving the overall international competitiveness of Alabama exporters.





MOBILE CHAMBER

# LEGISLATIVE AGENDA *2023*



**Mobile  
Chamber**

The Mobile Chamber has served as the Mobile area's progressive business advocate since 1836. Mobile connects Alabama to the world, and the Chamber is here to advocate for legislation that grows Mobile and Alabama's influence in the region, across the country and around the world.



## FUNDAMENTAL FOUNDATIONS FOR ALABAMA

The Mobile Chamber supports increasing Alabama's investment in transportation infrastructure to sustain and promote economic growth, job creation, quality of life and public safety. The Chamber recognizes there is a gap between current state resources and what is required to address the highway, bridge, and other road maintenance and capital needs in Alabama today and in the future, specifically for critical needs such as building the I-10 Mobile River bridge and completing the four-laning of U.S. Highway 98 from Mobile's city-limits to the Mississippi state line.

Work in support of the Mobile Airport Authority's efforts to secure final funding of Mobile's commercial terminal at the Mobile International Airport.

Advocate for adequately funding Alabama's Education budget, including Alabama's first-class pre-kindergarten, career tech, dual enrollment and other innovative programs, in order to ensure a competitive increase in student scoring, higher graduation rates and competitive college and career ready graduates; maintain high academic standards and expectations for all Alabama students.

Support a fiscal year 2024 state budget appropriation for the University of South Alabama that reflects the institution's positive impact on its students, community and our region, along with additional funding to support USA Health in recognition of its unique mission as the region's only academic health care provider with a Level One Trauma Center, Burn Unit and Neonatal Intensive Care facility.

Support efforts to expand and maintain a comprehensive statewide veterans assistance program to ensure Alabama is the best state for military families and personnel (active and retired) to live and work.

## SUPPORTING SMALL BUSINESSES, AMERICA'S LARGEST EMPLOYER

The Mobile Chamber supports preserving jobs and economic growth in all sectors through the reduction of overly burdensome regulations that increase the cost of doing business, create uncertainty and have the potential to stifle growth.

Encourage the representation and engagement of the Alabama Innovation Commission and the Alabama STEM Council to improve the creation and growth of small businesses and entrepreneurial development in Alabama as well as workforce development opportunities across the state.

Support the growth and development of Mobile's entrepreneurial community and Innovation Portal's mapping of entrepreneurial talent to meet the growing technological needs of industry with state funding opportunities. Promote efforts to provide much-needed programming, skills training and funding for entrepreneurial clients, as well as enable the engagement of local industry to identify technological solutions to small business challenges.

As a member of the I-10 Gulf Coast Chamber Coalition, the Mobile Chamber supports the collaborative efforts to develop collective responses to shared challenges – such as FEMA response, flood insurance, infrastructure, oil and gas leasing, and coastal protection.

## A HEALTHY ALABAMA

The Mobile Chamber supports strong effective measures to address the growing opioid and fentanyl crisis in Alabama that has detrimental effects on the availability of a qualified workforce, workplace safety, public safety, and overall community health.

Support and encourage the state leadership to pursue the estimated \$2 billion annually in federal funds available to create an Alabama-driven approach for Medicaid expansion which will return Alabama tax dollars to the state. Additionally, the chamber supports innovative approaches to reforming Alabama's current Medicaid program that includes the participation of the Alabama healthcare community to ensure access to care, cost control, and limit potential detrimental impacts to the Medicaid program.

Support efforts to expand mental and behavioral health programs to increase access to mental healthcare, increase diagnoses, and reduce suicide rates.

## GOOD STEWARDSHIP OF ALABAMA'S NATURAL RESOURCES

The Mobile Chamber supports the continuation of federal payments to Alabama, specifically Mobile and Baldwin counties, from the 2006 Gulf of Mexico Energy Security Act (GOMESA). Under GOMESA, Alabama, Mississippi, Louisiana, and Texas receive a share of the revenue from oil and gas drilling in federal waters, which helps address coastal restoration, hurricane protection, and watershed management programs in coastal Alabama.

Advocate for investments in climate-resilient infrastructure like a new I-10 bridge in an effort to mitigate damage from future storms.

## KEEPING ALABAMA OPEN FOR BUSINESS

The Mobile Chamber continues to advocate for the protection of businesses, both large and small, from legislation that would open the door to frivolous lawsuits.

Advocate for legislation that protects existing business infrastructure and creates an attractive environment for economic development, ensuring Alabama is widely known as a business-friendly state.

Support the funding and construction of the proposed I-10 Mobile River Bridge and partner with the U.S. Department of Transportation and the Alabama Department of Transportation to actively seek construction funding through federal grants and other sources.

Support all efforts to increase the \$20M annual cap for the Alabama historic tax credit program for certified historic structures. The program is a proven incentive for bringing more investment capital into projects that positively impact job creation and sustained economic activity and is in such demand that it is oversubscribed with waitlisted projects across the state.

Support growth in the film and music industry in the State of Alabama by advocating for raising the incentive cap.

Continue support to fund the U.S. Army Corps of Engineers Mobile District Civil Works program in support of the deepening and widening and the annual operations and maintenance dredging of the Mobile Ship Channel; maintain necessary funding for the operation and maintenance of Alabama's commerce waterways, including the deepening of the Bayou la Batre and Coden ship channels.

Support reauthorization and extension of the Alabama Jobs Act (expiring 7/31/2023) and the Growing Alabama Tax Credit (expiring 7/31/2023) which have proved to be economic drivers in the State of Alabama.

Support the consolidation of the Mobile Area Water and Sewer System and the Mobile County Water and Sewer system, abolishing their respective Boards, and establishing a new board for sustained economic development success.

Support a state-vote on gaming which includes but is not limited to an education lottery, sportsbook, casino-style games at designated locations, a regulatory body, and a compact with the Poarch Band of Creek Indians.

Support the fiscal year 2023 state supplemental funding request for the redevelopment and modernization of the Alabama Aquarium at the Dauphin Island Sea Lab, as a means of increasing tourism and educational opportunities in south Mobile County.

Support and encourage ongoing conversations between the City of Mobile and freight/passenger rail entities to limit trains from obstructing any public street, road, or highway crossing-at-grade within a Class 2 municipality in Mobile County.

## TRAINING & ADVANCING ALABAMA'S WORKFORCE

The Mobile Chamber continues to identify needs and support demand-driven strategic workforce training initiatives in south Alabama's key economic growth sectors, including aerospace, maritime, advanced manufacturing, tourism, healthcare, and supply chain.

Work to meet the need for all citizens in our region by advocating for reentry and job skills training programs for those currently in correctional facilities, serving sentences for non-violent crimes. Promote and support apprenticeship and work-based learning opportunities in partnership with key industry sector employers and community colleges in southwest Alabama.

Advocate for the investment in essential support services, including public transportation and childcare, the two most significant barriers to employment and training.

Promote and support scholarships and other funding opportunities to prepare existing and prospective students to earn credentials through Bishop State Community College's state-of-the-art Advanced Manufacturing Center, preparing individuals to enter high-demand, high-wage manufacturing occupations.

Promote and support programs offered by Bishop State Community College, including dual enrollment programs for high school students, rapid skill training programs that lead to industry-recognized credentials, for-credit certificate, and degree programs, and adult education programs.

Support and promote the integration of STEM curriculum and career exploration for K-12 students at an early age in elementary and middle school.

## MADE BY ALABAMA, FOR AMERICA & THE WORLD

The Mobile Chamber supports current and future federal military contracts with Mobile-area employers, particularly the Navy's shipbuilding blueprint for the future which includes current and future small surface combatants and auxiliary ships to incorporate autonomous and unmanned surface vehicles, Expeditionary Fast Transports, and medical ships.

Support free and fair trade and investment policies that expand access to international markets, reduce trade barriers, and increase foreign direct investment creating a level playing field to put Mobile area families, businesses, and workers first and improving the overall international competitiveness of Alabama exporters.

# LEGISLATIVE AGENDA 2024



The Mobile Chamber has served as the Mobile area's leading business advocate for 188 years. Mobile connects Alabama to the world, and the Chamber advocates for legislation that grows Mobile and Alabama's influence in the region, across the country and around the world.



# 2024 LEGISLATIVE AGENDA AT A GLANCE:



**Transportation Infrastructure:** Prioritizing key roadway projects like the I-10 Mobile River Bridge and securing final funding for Mobile's commercial terminal at the Mobile International Airport to support economic growth and safety.

**Education:** Advocating for increased funding for education at various levels, from pre-kindergarten to university, aiming for higher student achievement and workforce preparedness.

**Healthcare:** Addressing the opioid crisis, seeking federal funds for an Alabama-driven approach to close the coverage gap and expanding mental health programs to enhance overall community well-being.

**Career Tech and STEM:** Promoting STEM education, providing access to higher education for all and investing in modernizing career-tech centers to align with industry standards.

**Business Support:** Protecting businesses from frivolous lawsuits, advocating for a business-friendly environment and supporting infrastructure projects like the I-10 Mobile River Bridge.

**Cultural and Economic Development:** Supporting the film and music industry, increased funding for historical tax credits, and encouraging growth in key sectors like aerospace, manufacturing and tourism.

**Legal Reforms:** Seeking tort law reforms, property acquisition streamlining and advocating for a fair civil justice system.

**Workforce Development:** Supporting demand-driven workforce training, reentry programs for non-violent offenders and advocating for essential support services like public transportation and childcare.

**Natural Resources:** Advocating for federal payments to support coastal restoration and infrastructure to mitigate damage from future storms.

**International Competitiveness:** Supporting military contracts, free and fair trade policies, and reducing trade barriers to benefit local families, businesses and workers.

Feel free to reach out to our Government Affairs team at the Mobile Chamber.



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## LAYTON LITTLE

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Dear Mobile Chamber Member,

Challenges and opportunities have been the defining features of Mobile's post-pandemic economy. Fortunately, state policymakers have been proactive in helping employers overcome these challenges and capitalize on opportunities, but there is more work to be done.

The Mobile Chamber's 2024 Legislative Agenda offers a policy roadmap for how we build on this momentum. The Chamber's priorities were determined by business leaders across the region through meetings, surveys and research and were vetted and approved by our Government Affairs Committee and Board of Directors. They serve as the agenda for the governmental affairs team as we advocate on behalf of our membership.

As the voice of Mobile's business community in Montgomery, the Chamber looks forward to another successful session in support of employers and job creators.

Sincerely,



A handwritten signature in black ink, appearing to read "B. Byrne".

**Bradley Byrne**  
President and CEO  
Mobile Chamber



A handwritten signature in black ink, appearing to read "Melissa Cross".

**Melissa Cross**  
Chamber Board Chairman  
President and Owner  
McAleer's Office Furniture

## Your Involvement Matters!

The Mobile Chamber coordinates government affairs efforts on behalf of its members and the Mobile business community. The Chamber's member-driven government affairs program includes establishing positions on issues that impact our members and the economic advancement of the region, educating elected officials about these issues and encouraging membership involvement in the Chamber's advocacy efforts.

The Chamber's non-partisan Government Affairs Committee is comprised of members from diverse industries. This committee is responsible for helping to guide the Chamber's advocacy efforts by reviewing pending legislation and regulations for their impact on the membership, developing positions that will enhance economic growth and developing programs that inform and encourage members to participate in the Chamber's government affairs initiatives.

## KEEPING ALABAMA OPEN FOR BUSINESS

The Mobile Chamber continues to advocate for the protection of businesses, both large and small, from legislation that would open the door to frivolous lawsuits.

Advocate for legislation that protects existing business infrastructure and creates an attractive environment for economic development, ensuring Alabama is widely known as a business-friendly state.

Support the funding and construction of the proposed I-10 Mobile River Bridge and partner with the U.S. Department of Transportation and the Alabama Department of Transportation to actively seek construction funding through federal grants and other sources.

Support all efforts to increase the \$20 million annual cap and return the qualifying age from 75 years to 60 years for certified historic structures. For the Alabama historic tax credit program, the program is a proven incentive for bringing more investment capital into projects that positively impact job creation and sustained economic activity and is in such demand that it is waitlisted with projects across the state.

Support growth in the film and music industry in the State of Alabama by advocating for raising the incentive cap.

Continue support to fund the U.S. Army Corps of Engineers Mobile District Civil Works program in support of the deepening and widening and the annual operations and maintenance dredging of the Mobile Ship Channel; maintain necessary funding for the operation and maintenance of Alabama's commerce waterways, including the deepening of the Bayou la Batre and Coden ship channels.

The Mobile Chamber supports a statewide-vote on gaming, which includes, but is not limited to an education lottery; sportsbook, casino-style games at designated locations; a regulatory body; and a compact with the Poarch Band of Creek Indians.

Support a fiscal year 2024 state supplemental funding request for the Dauphin Island Sea Lab to fund the construction of a new dormitory designed to 1) house in-residence graduate students displaced from on-campus housing by Hurricane Sally, 2) increase housing for summer-term undergraduates that would allow for the increased diversification of academic programs, and 3) support course requirements of new bachelor marine science degrees at the University of South Alabama and University of Alabama via a new spring term.

The Mobile Chamber supports and encourages ongoing conversations between the City of Mobile and freight/passenger rail entities to limit trains from obstructing any public street, road or highway crossing-at-grade within a Class 2 municipality in Mobile County.

The Mobile Chamber supports reforms of Alabama's tort laws and other civil justice reforms in order to strike an appropriate balance between protecting consumer and business interests, building a stronger business climate, and creating a fairer civil justice system for all.

The Mobile Chamber supports a reduced redemption period allowing local governments or land banks to acquire tax delinquent properties not purchased at auction, streamlining the process for community development initiatives.

## TRAINING & ADVANCING ALABAMA'S WORKFORCE

Continue to identify needs and support demand-driven strategic workforce training initiatives in south Alabama's key economic growth sectors, including aerospace, maritime, advanced manufacturing, tourism, healthcare and supply chain.

Work to meet the need for all citizens in our region by advocating for reentry and job skills training programs for those currently in correctional facilities serving sentences for non-violent crimes. Promote and support apprenticeship and work-based learning opportunities in partnership with key industry sector employers and community colleges in southwest Alabama.

Advocate for the investment in essential support services, including public transportation and childcare, the two most significant barriers to employment and training.

Promote and support scholarships and other funding opportunities to prepare existing and prospective students to earn credentials through Bishop State Community College's state-of-the-art Advanced Manufacturing Center, preparing individuals to enter high-demand, high-wage manufacturing occupations.

Promote and support programs offered by Bishop State Community College, including increased funding for dual enrollment programs for high school students, rapid skill training programs that lead to industry-recognized credentials, for-credit certificates, degree programs and adult education programs.

Support and promote the integration of STEM curriculum and career exploration for K-12 students at an early age in elementary and middle school, and aviation training programs such as FlightPath9, Bishop State's aviation manufacturing partnership with Airbus.

Mobile Chamber supports additional access to public higher education for individuals without a social security number in Alabama to cultivate a diverse and skilled workforce and create an opportunity for all aspiring learners.

The Mobile Chamber supports additional funding to renovate and modernize Mobile County's high school career-tech centers, which is imperative to ensuring that students have access to state-of-the-art facilities, fostering a conducive learning environment in line with industry standards, better equipping students with the practical skills needed to excel in a rapidly changing job market and contributing to the long-term economic development of this region.

Support the fiscal year 2025 state budget appropriation for the Alabama School of Math and Science to enhance the facilities, equipment, and educational offerings at the state's only 100-percent public and 100-percent residential school that is exceeding state averages – including a 100-percent graduation rate, an average ACT score of 30 – with 75 percent of its graduates attending college in the state and 65 percent working in state.





## MADE IN MOBILE, FOR AMERICA & THE WORLD

Support current and future federal military contracts with Mobile-area employers, particularly the Navy's shipbuilding blueprint for the future which includes current and future small surface combatants and auxiliary ships to incorporate autonomous and unmanned surface vehicles, Expeditionary Fast Transports, and medical ships.

Support free and fair trade and investment policies that expand access to international markets, reduce trade barriers, and increase foreign direct investment creating a level playing field to put Mobile area families, businesses, and workers first and improving the overall international competitiveness of Alabama exporters.

## A HEALTHY ALABAMA

Support strong effective measures to address the growing opioid and fentanyl crisis in Alabama that has detrimental effects on the availability of a qualified workforce, workplace safety, public safety and overall community health.

Support and encourage the state leadership to pursue the estimated \$2 billion annually in federal funds available to create an Alabama-driven approach to close the coverage gap which will return Alabama tax dollars to the state. Additionally, the Chamber supports innovative approaches to reforming Alabama's current Medicaid program that includes the participation of the Alabama healthcare community to ensure access to care, cost control, and limit potential detrimental impacts to the Medicaid program.

The Mobile Chamber supports efforts to expand mental and behavioral health programs to increase access to mental healthcare, increase diagnoses and reduce suicide rates.

## GOOD STEWARDSHIP OF ALABAMA'S NATURAL RESOURCES

Support the continuation of federal payments to Alabama, specifically Mobile and Baldwin counties, from the 2006 Gulf of Mexico Energy Security Act (GOMESA). Under GOMESA, Alabama, Mississippi, Louisiana, and Texas receive a share of the revenue from oil and gas drilling in federal waters, which helps address coastal restoration, hurricane protection, and watershed management programs in coastal Alabama.

Advocate for investments in climate-resilient infrastructure like a new I-10 bridge in an effort to mitigate damage from future storms.



## FUNDAMENTAL FOUNDATIONS FOR ALABAMA

The Mobile Chamber supports increasing Alabama's investment in transportation infrastructure to sustain and promote economic growth, job creation, quality of life and public safety. The Chamber recognizes that there will always be a gap between state resources and infrastructure needs, particularly with regard to the development of new projects. The Chamber believes it is critical to invest state resources in roadways that spur economic growth and increase public safety, namely the I-10 Mobile River Bridge and Bayway Project, the US 90/98 Causeway, U.S. HWY 45, the West Alabama Corridor (HWY 43), State Route 158 from Mobile to the Mississippi line, improvements to I-65 and I-10, and Baldwin County Beach Express Extension.

Work in support of the Mobile Airport Authority's efforts to secure final funding of Mobile's commercial terminal at the Mobile International Airport.

Advocate for adequately funding Alabama's Education budget, including Alabama's first-class pre-kindergarten, career tech, dual enrollment and other innovative programs, in order to ensure a competitive increase in student scoring, higher graduation rates and competitive college-and-career-ready graduates; maintain high academic standards and expectations for all Alabama students.

Support a fiscal year 2025 state budget appropriation for the University of South Alabama that reflects the institution's positive impact on its students, community and our region, along with additional funding to support USA Health in recognition of its unique mission as the region's only academic health care provider with a Level One Trauma Center, Burn Unit and Neonatal Intensive Care facility.

Support state investment of one-time and ongoing education funding to enhance the facilities and equipment at all four campuses of Bishop State Community College, focused around improving student support services and workforce development training opportunities to meet regional occupational demand.

The Mobile Chamber supports efforts to expand and maintain a comprehensive statewide veterans assistance program to ensure Alabama is the best state for military families and personnel (active and retired) to live and work.

The Mobile Chamber continues to support an industrial or research enterprise's right to appeal the fair market valuation of its property and equipment while continuing to consider obsolescence as part of its fair market value calculation.

## SUPPORTING SMALL BUSINESSES, AMERICA'S LARGEST EMPLOYER

Preserve jobs and economic growth in all sectors through the reduction of overly burdensome regulations that increase the cost of doing business, create uncertainty and have the potential to stifle growth.

Encourage the representation and engagement of the Alabama Innovation Commission and the Alabama STEM Council to improve the creation and growth of small businesses and entrepreneurial development in Alabama as well as workforce development opportunities across the state.

Support the growth and development of Mobile's entrepreneurial community and Innovation Portal's mapping of entrepreneurial talent to meet the growing technological needs of industry with state funding opportunities. Promote efforts to provide much-needed programming, skills training and funding for entrepreneurial clients, as well as enable the engagement of local industry to identify technological solutions to small business challenges.

As a member of the I-10 Gulf Coast Chamber Coalition, the Mobile Chamber supports the collaborative efforts to develop collective responses to shared challenges – such as FEMA response, flood insurance, infrastructure, oil and gas leasing, and coastal protection.

The Mobile Chamber supports extending the notification period for insurance policy cancellations, aiming to provide individuals and businesses with increased time to prepare for any potential changes or to seek alternative coverage. This adjustment would offer more stability and assistance to policyholders in navigating insurance transitions.







### **Mobile Area Chamber Encourages a YES Vote to Amendment One**

Today, the Mobile Area Chamber announced it is in support of a YES vote to Amendment One, appearing on ballots in Tuesday's primary election.

A YES vote will both change the name of the Alabama State Board of Education, and move from elected members to appointed ones. The Alabama Commission on Elementary and Secondary Education would be established, and its members would be elected by Alabama's Governor, and approved by the Alabama State Senate.

"We believe Amendment One would create a board that can better address progress in Alabama schools for a better educated and prepared workforce," said Bill Sisson, president and CEO of the Mobile Area Chamber.

Currently Alabama is only one of six states, and the District of Columbia where state school board members are elected and not appointed.

March 2, 2020



May 5, 2020

Mobile County Legislative Delegation  
104 South Lawrence Street  
Mobile, Alabama 36602

Dear Members of the Mobile County Legislative Delegation:

As all of us continue to adjust to life in the face of the COVID-19 pandemic, it is essential that businesses begin to reopen their doors and continue providing their services to our community. This crisis has drastically changed how businesses operate and has had devastating impacts on communities across our state.

As businesses begin to responsibly reopen, they must do so without the threat of unwarranted lawsuits associated with the virus. **We are asking you to support SB330 to provide businesses and healthcare providers with protection against civil liability resulting from the contraction of the coronavirus.**

In a survey of our members late last month, liability issues were a top concern of businesses as they looked to reopen. Specifically, more than 60 percent of Mobile Area Chamber of Commerce members wanted the state to provide civil liability protection related to the virus when they open.

Business in all industries are facing major financial damages from this pandemic, and businesses, especially small businesses, cannot afford to be exposed to additional financial injury from lawsuits and circumstances outside of their control.

Thank you for lending your support and voice to this critical issue.

Sincerely,

William B. Sisson  
President and CEO

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## STATEMENT OF DIVERSITY, EQUITY AND INCLUSION

The Mobile Area Chamber of Commerce is committed to being an inclusive organization. We strive to have an environment within our organization that fosters and encourages diversity, reflective of the makeup of our community. We believe diversity of thought enriches discussion, results in better judgment, and enhances the growth and development of our organization, and our community as well.

To accomplish this, the Mobile Area Chamber commits to:

1. Annually review the makeup of our Board of Directors with a special emphasis on diversity.
2. Encourage diversity on our committees and task forces.
3. Recruit and nurture new leadership roles for our organization from among women and minorities.
4. Work to attract more diversity in our membership.
5. Ensure diversity is reflected in the makeup of our staff.
6. Provide in-service training for staff on valuing diversity and sensitivity in the workplace.
7. Ensure our purchasing procedures are open and available to all members.
8. Encourage staff participation in minority affairs, events and activities.
9. Support our members, customers and suppliers in their efforts to encourage diversity within their companies or organizations.

Adopted 6/25/2020





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Unified Development Code  
Adopted by the Mobile Area Chamber of Commerce  
Board of Directors June 25, 2020

The City of Mobile is currently updating city zoning regulations to a new “Unified Development Code” (UDC). The UDC is presently in a third “draft” version and the City of Mobile is requesting public input.

The Mobile Area Chamber of Commerce (Chamber) has a long-held position to “preserve jobs and economic growth through the removal of barriers that can derail infrastructure projects and the reduction of overly burdensome regulations that create uncertainty and have the potential to stifle growth.”

Given this position, the Chamber is concerned the present UDC version three requires “conditional use” approval for pipelines, fiber optics and all other underground utilities in all zoning districts. The current zoning ordinance allows these in all districts “by right.” Changing to conditional use approval will require neighborhood meetings, planning commission review, and final action by the Mobile City Council. This is a substantial change from the existing ordinance. Such a process would be lengthy, create uncertainty and be a detriment to further investment in Mobile.

Pipelines are an important infrastructure and commonplace, especially in a port city. The Chamber requests the proposed zoning ordinance be revised to conform with the existing zoning ordinance and provide that pipelines, fiber optics and all other underground utilities are permitted in all districts as a “matter of right.”

Version 6/25/20

### **RESOLUTION ON THE RETIREMENT OF PAUL KLOTZ**

WHEREAS: Paul Klotz is known as a veteran, scientist, business development professional and community servant; and

WHEREAS: Paul Klotz's legacy encompasses accomplishments from a 50-year career, the last 14 of which were with Thompson Engineering; and

WHEREAS: Paul graduated from the University of Mississippi with a BA in Biology and Psychology after which he entered the U.S. Air Force as an active duty officer; and

WHEREAS: Paul returned to the university after his service and earned a Master's Degree in Combined Sciences Chemistry and Biology and began his business career as an Environmental Manager for International Paper; and

WHEREAS: Paul worked for BCM Engineers and Malcome Pirnie in Mobile before joining Thompson Engineering as a Business Development Manager in 2006; and

WHEREAS: Paul's commitment to Thompson and the community should be a lasting example of how life is enriched through active participation as a volunteer; and

WHEREAS: Described by his colleagues as a man with the heart of a lion, Paul has worked tirelessly to raise awareness and funds for research to find a cure to ALS, which Paul was diagnosed with in 2009;

NOW, THEREFORE, LET IT BE RESOLVED that the Mobile Area Chamber of Commerce Board of Directors expresses its appreciation and gratitude to Paul Klotz for his 50 years of dedicated service to the Mobile community and wishes him only the best in his retirement years.

Done this 24th day of September 2020.

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Terry H. Harbin, Chairman of the Board

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William B. Sisson, President and CEO



**THE MOBILE AREA CHAMBER OF COMMERCE SUPPORTS A  
“YES” VOTE ON THE NOVEMBER 3, 2020 REFERENDUM TO  
ADDRESS CRITICAL ROAD AND BRIDGE PROJECTS WITHIN  
MOBILE COUNTY. THESE PROJECTS ARE PAID FOR BY A 6.5  
MILLS PORTION OF THE AD VALOREM TAXES COLLECTED BY  
MOBILE COUNTY.**

MOBILE COUNTY COMMISSION  
2020 TRANSPORTATION  
PAY-AS-YOU-GO REFERENDUM

The MOBILE COUNTY COMMISSION directed the Mobile County Engineering Department to prepare the following Engineering Report for the proposed 2020 Transportation Pay-As-You-Go Program.

PROPOSED APPROPRIATION OF FUNDS

MOBILE COUNTY COMMISSION 2020 TRANSPORTATION

PAY-AS-YOU-GO PROGRAM FUNDS	\$58,000,000
STATE FUNDS	\$ 1,350,000
<u>MUNICIPAL FUNDS</u>	<u>\$ 1,500,000</u>
TOTAL PROGRAM FUNDING	\$60,850,000

\$28 million in countywide road and bridge improvement projects have been selected by the Commission, regardless of the district or municipality in which they are located. Also, an additional \$30 million is divided among the three Commission Districts for road and bridge projects within all eleven municipalities and within unincorporated areas of the County.

The Mobile County 2020 Transportation Pay-As-You-Go Program totals \$60.85 million for road and bridge improvements. Funding for the 2020 program will require voter approval in a countywide referendum on November 3, 2020.

The Mobile Area Chamber of Commerce supports a “YES” vote on the November 3, 2020 referendum to address critical road and bridge projects within Mobile County. These projects are paid for by a 6.5 mills portion of the ad valorem taxes collected by Mobile County.

**MOBILE AREA COUNCIL  
BOY SCOUTS OF AMERICA  
100<sup>TH</sup> BIRTHDAY**

WHEREAS, in 1919, the Boy Scout movement in the United States was spreading rapidly and had spread to Mobile;

WHEREAS, a group of civic-minded men met at the Mobile Area Chamber of Commerce to discuss organizing a Mobile Council;

WHEREAS, in 1919 a devastating fire swept the south side of the city razing forty city blocks. The newly organized Boy Scouts were cited for its outstanding assistance as guards in the stricken area and rendered valuable assistance to the firemen;

WHEREAS, in 2019 9,000 families benefited from Scouting for Food;

WHEREAS, nearly 3,000 youth members were served by the Council in 2019;

WHEREAS, in 2019, 250 girls were in Cub Scouts, Scouts BAS, Venturing, and Exploring in the council;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the Mobile Area Chamber of Commerce recognizes and congratulates the Mobile Area Council Boy Scouts of America on 100 years of successful operation and support of Mobile's economy and community.

Done this 19<sup>th</sup> day of March 2020.

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Terry H. Harbin, Chairman of the Board

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William B. Sisson, President and CEO

## **Investment Policy**

### **I. Purpose**

The Investment Policy should allow for the accumulation and subsequent investment of funds to allow the Mobile Area Chamber of Commerce (MACC) to: a) sustain basic operations and core member services; b) sustain services during an economic downturn; c) maximize services relative to the investment by members; and d) cover unbudgeted and extraordinary expenditures brought about by unanticipated challenges or opportunities for emergency funding.

The objectives of this Investment Policy have been established in conjunction with a comprehensive review of current and projected financial requirements. The objectives are:

1. Preservation of Capital
2. Growth of Capital
3. To generate income as needed to fund operations.

### **II. Responsibilities**

MACC Executive Committee has the primary responsibility to establish the objectives of this policy and to designate others within the organization to carry out those objectives.

The Finance Committee is designated to act as the investment oversight committee and is responsible for recommending actions to either staff or the Executive Committee, including recommending the optional selection of an outside investment advisor/manager, and the periodic monitoring of performance in respect to the established policy.

The President and CEO and/or the VP of Finance and Operations is responsible for the ongoing management of invested funds including acting as the primary contact with the investment advisor/manager (if used), routine monitoring of the fund performance and periodic reporting to the Finance Committee and Executive Committee.

If chosen, a professional investment advisor(s)/manager(s) shall be used to make specific investment recommendations and assist in managing the fund assets according to the stated objectives. Each investment manager should be a regulated bank, an insurance company, a mutual fund organization, or a registered investment advisor.

### **III. Investment Guidelines**

Funding of Investment Accounts – Each year based on MACC's prior years' performance, funds may be allocated to either the Short Term and/or Long-Term reserve. The placement of the funds will be determined by the President and CEO in conjunction with the Finance Committee and the Investment Advisor (if used).

Short Term Reserve Fund – The objective of the operating cash fund is to provide ready liquid assets to carry on the normal day-to-day operations of MACC. Earnings from the investment of these funds are to be used in normal operations. Investments for operating cash will be cash or cash equivalents that are liquid and immediately accessible by management to meet the daily operating needs of MACC. The Short-Term Reserve Fund will consist of checking accounts and a liquid interest-bearing money market account. Cash should be transferred as needed by management to maintain the average balance.

Disbursement Approval Process – Requests will be initiated by the President and CEO. Requests of less than \$20,000 will be subject to approval by MACC's President & CEO, Board Treasurer, and the Chair of the Board. Requests of \$20,000 or greater must be authorized by a vote of ACCE's Executive Committee.

Long Term Operating Reserve – The objective of the long-term reserve fund is to emphasize total return – that is the aggregate return from capital appreciation and income. The purpose of the fund is to provide financial stability and cash flows to support the mission of MACC. Investment earnings are expected to be re-invested. The fund is not intended to serve as a restricted endowment. The fund may be used, with the appropriate approvals, as indicated in the operating reserve policy.

Investments for the long-term reserves should be diversified with both liquid and other securities to provide a total return while avoiding undue risk concentrations in any single asset class or investment category. The long-term reserve asset allocation ranges for the objective are to be set and reviewed annually by the Finance Committee.

Long-Term Operating Reserve holdings may be in the form of money markets, certificates of deposit, corporate or government bond, mutual funds or ETFs (Exchange Traded Funds).

Additional requirements for the management of the portfolio (excluding those governmental in nature) are:

- Deposits in any one financial institution should not exceed 25% in the total of the cash and investments.
- Fixed amount of operating reserve to be designated annually by the Executive Committee.
- Insured investments should be no less than 50% of the Targeted Minimum Operating Reserve.

Disbursement Approval Process – Requests for withdrawals from the long-term fund will be initiated by the Treasurer and Finance Committee and approved by the Executive Committee. Disbursements would be made for example: long-term capital improvements, merger/acquisitions, strategic investments and recovery from economic crisis, and can be made from both income and principal.

#### **IV. Accountability and Monitoring**

A quarterly analysis of investments and earnings will be prepared by the VP of Finance & Operations and presented to the Finance Committee. The Finance Committee will periodically review the allocations among investment type to ensure they are meeting the needs of MACC and following the guidelines detailed in this investment policy.

If used, an investment manager shall provide performance evaluations to management annually and meet with the Finance Committee, at a time deemed appropriate by staff and the investment manager, to review fund performance and compliance with the policy.

#### **V. Prohibited Transactions**

The following are not permitted: short sales, transactions on margin, letter stock, equity investments other than mutual funds or exchanged traded funds (ETFs), private equities, hedge fund investments, unregistered or restricted stock, private placements, venture capital, below investment grade bonds, real estate and non-marketable securities.

## COVID Liability Reform Support Letter

February 1, 2021

TO THE MEMBERS OF THE UNITED STATES CONGRESS:

The undersigned organizations urge you to include targeted and temporary liability protections as you consider President Biden's COVID relief package. As the Administration strives to reopen schools, protect our nation's health and strengthen our economy, these critical protections will help safeguard educational institutions, healthcare providers, businesses and non-profit organizations from unfair lawsuits.

The COVID-19 virus continues to rage throughout this country, presenting once-in-a-generation public health and economic challenges. Despite these difficulties, the development and distribution of vaccines give new hope for a future free of the crushing social and economic effects of the virus. Unfortunately, for many who remain on the front lines and continue to serve our communities during this pandemic, the threat of unfair litigation continues to loom. In 2020, over \$23 million was spent by plaintiffs' firms on COVID-19-related lawsuit advertisements, a clear indication that an influx of litigation is coming. As employers, educational institutions, and others answer President Biden's very appropriate call for face coverings and other protective steps, they should not have to worry that their actions will invite costly and unnecessary litigation.

The time for federal action implementing liability protections from such litigation is now. We thus urge you to include balanced liability relief provisions similar to last Congress' SAFE TO WORK ACT (S. 4317) in any further COVID-19 relief legislation. We believe that legislation in this space should ensure that unfair lawsuits will not hamper those who work to comply with applicable government guidelines. We also believe these protections should be limited in duration and scope in addition to preserving reasonable recourse for those harmed by truly bad actors.

Ensuring a bright post-pandemic future for our country's healthcare, business, and non-profit communities is a bipartisan objective. In the last round of COVID-19 relief negotiations, we were encouraged to see lawmakers from both sides of the aisle recognize the need for targeted and temporary liability relief. Lawmakers must come together now and ensure that the entities who continue to serve and protect their communities during this pandemic are themselves protected from unfair and harmful lawsuits.

In the wake of prior crises, Congress came together to pass needed liability protections with strong bipartisan support because lawmakers understood the acute threat of lawsuits at moments of maximum economic vulnerability. That threat is present again now. As such, Congress must take strong action now and provide a national baseline of liability protection during this national pandemic to prevent an influx of lawsuits from inhibiting our return to a robust economy and healthy citizenry.

Sincerely,

U.S. Chamber Institute for Legal Reform	American Property Casualty Insurance Association
U.S. Chamber of Commerce Academy of General Dentistry Adrian Area Chamber of Commerce	American Rental Association American Seniors Housing Association American Society of Travel Advisors American Tort Reform Association American Waterways Operators America's Health Insurance Plans America's SBDC Angel Fire Chamber of Commerce Antelope Valley Chambers of Commerce Apache Junction Chamber of Commerce AR State Chamber/AIA Ardmore Chamber of Commerce Arizona Chamber of Commerce and Industry
AdvaMed - Advanced Medical Technology Association	Arizona Lodging & Tourism Association
Aeronautical Repair Station Association	Arkansas Hospitality Association
Aerospace Industries Association	Asian American Hotel Owners Association
African American Chamber of Commerce Western PA	Associated Builders & Contractors Empire State Chapter
Air Conditioning Contractors of America (ACCA)	Associated Builders & Contractors of Arkansas
Airlines for America	Associated Builders & Contractors South Texas Chapter
Alabama Restaurant & Hospitality Association	Associated Builders & Contractors West Tennessee Chapter
Alameda Chamber of Commerce	Associated Builders & Contractors, Illinois Chapter
Alamogordo Chamber of Commerce	Associated Builders and Contractors
Alaska Hotel and Lodging Association	Associated Builders and Contractors Alabama Chapter
Albany Area Chamber of Commerce	Associated Builders and Contractors Central California Chapter
Alle Kiski Strong Chamber	Associated Builders and Contractors of Central Texas
Allen Fairview Chamber of Commerce	Associated Builders and Contractors of Cumberland Valley
Alliance for Automotive Innovation	Associated Builders and Contractors of Georgia
American Apparel & Footwear Association (AAFA)	Associated Builders and Contractors of Michigan
American Association of Post-Acute Care Nursing	Associated Builders and Contractors of MN/ND
American Bakers Association	Associated Builders and Contractors of Ohio Valley
American Bankers Association	
American Business Conference	
American Car Rental Association	
American Council for Capital Formation	
American Council of Engineering Companies	
American Council on Education	
American Dairy Coalition	
American Dental Association	
American Farm Bureau Federation	
American Foundry Society	
American Gaming Association (AGA)	
American Health Care Association (AHCA) & National Center for Assisted Living (NCAL)	
American Hotel and Lodging Association	
American Institute of CPAs	
American International Automobile Dealers Association	
American Mold Builders Association	

Associated Builders and Contractors of Oklahoma	Bowling Centers Association of Wisconsin (BCAW)
Associated Builders and Contractors of San Diego	Box Elder Chamber of Commerce
Associated Builders and Contractors of Virginia	Buckeye Valley Chamber of Commerce
Associated Builders and Contractors of Western PA	Bucyrus Chamber of Commerce
Associated Builders and Contractors Southern California Chapter	Business Council of Alabama
Associated Builders and Contractors Western Washington	Business Roundtable
Associated Builders and Contractors, Delaware Chapter	Butler County Chamber of Commerce
Associated Builders and Contractors, Inc. New Orleans-Bayou Chapter	Cache Valley Chamber of Commerce
Associated Equipment Distributors	California Business Roundtable California
Associated General Contractors	Chamber of Commerce California Hotel & Lodging Association
Associated Wire Rope Fabricators	CAMBA and CAMBA Housing Ventures
Association of American Universities	Regional Chamber of Commerce
Association of Catholic Colleges and Universities	Campbell Chamber
Association of Independent Colleges and Universities of Pennsylvania	Capital Region Chamber
Association of Washington Business	Carlisle Area Chamber of Commerce
Astoria-Warrenton Area Chamber of Commerce	Carlsbad Chamber of Commerce
Aurora Chamber of Commerce	Carmel Chamber of Commerce, Inc.
Auto Care Association Automotive Recyclers Association	Carson City Chamber of Commerce
Azusa Chamber of Commerce	Cedar City Area Chamber of Commerce
Barrow County Chamber of Commerce, Inc.	Cedar Rapids Metro Economic Alliance
Battery Council International	Cen-Tex Hispanic Chamber of Commerce
Bay Area Chamber of Commerce	Central Chamber
Beaver County Chamber of Commerce	Central Maryland Chamber of Commerce
Bellaire Chamber of Commerce	Chamber of Commerce Hawaii
Bend Chamber of Commerce	Chamber of Shipping of America
Beverly Hills Chamber of Commerce	Chamber630
Billings Chamber of Commerce	ChamberWest Chamber of Commerce
Biocom California	Chandler Chamber of Commerce
Biotechnology Innovation Organization	Charlotte Regional Business Alliance
Bitterroot Valley Chamber of Commerce	Chattanooga Area Chamber of Commerce
Blair County Chamber of Commerce	Chester County Chamber of Business & Industry
Blue Cross Blue Shield Association	Chino Valley Chamber of Commerce
Boise Metro Chamber	Christian County Chamber of Commerce
Bolingbrook Area Chamber of Commerce	Cincinnati USA Regional Chamber
Borrego Springs Chamber of Commerce	City of Umatilla Chamber of Commerce
	Civil Justice Association of California
	Coalition of Franchisee Associations
	Cobb Chamber
	Colorado Chamber of Commerce
	Colorado Hotel & Lodging Association
	Columbia Montour Chamber of Commerce
	Columbus (TX) Chamber of Commerce
	Commerce Lexington



Committee of 100 for Economic  
 Development  
 Community Associations Institute (CAI)  
 Connecticut Lodging Association  
 Construction Industry Round Table  
 Consumer Bankers Association Corvallis  
 Chamber of Commerce  
 Costa Mesa Chamber of Commerce  
 Council for Christian Colleges &  
 Universities  
 Covington County Chamber of Commerce  
 Credit Union National Association  
 CrossState Credit Union Association CTIA  
 Dana Point Chamber of Commerce  
 Davis Chamber of Commerce  
 Deadwood Gaming Association  
 Delaware Association of Insurance Agents  
 & Brokers  
 Detroit Regional Chamber  
 Dooly County Chamber of Commerce  
 Edison Electric Institute  
 Edmond Area Chamber of Commerce  
 El Centro Chamber of Commerce & Visitors  
 Bureau  
 El Monte/South El Monte Chamber of  
 Commerce  
 Eldorado County Chamber of Commerce  
 Elmhurst Chamber of Commerce and  
 Industry  
 Encinitas Chamber of Commerce  
 Enterprise Chamber of Commerce  
 Erie Regional Chamber and Growth  
 Partnership  
 Exceed Enterprises  
 Explore Schuylkill  
 Fairmont Area Chamber of Commerce  
 Family Business Coalition Farmington  
 Chamber of Commerce Federation of  
 American Hospitals  
 Fife Milton Edgewood Chamber of  
 Commerce  
 Flora, IL Chamber of Commerce  
 Florence Area Chamber of Commerce  
 Florida Chamber of Commerce Florida  
 Justice Reform Institute  
 Florida Restaurant & Lodging Association

FMI Food Industry Association  
 Forest Grove/Cornelius Chamber of  
 Commerce  
 Forum for Community Leaders  
 Franchise Business Services  
 Fremont Chamber of Commerce  
 Frisco Chamber of Commerce  
 Gallup McKinley County Chamber of  
 Commerce  
 Garden Grove Chamber of Commerce  
 Gardena Valley Chamber of Commerce  
 Garrett County Chamber of Commerce, Inc.  
 Gateway Chambers Alliance  
 GAWDA  
 General Contractors Association of  
 Pennsylvania  
 Georgia Hotel & Lodging Association  
 Gilbert Chamber of Commerce  
 Glass Packaging Institute (GPI)  
 Glenwood Springs Chamber Resort  
 Association  
 GLMV Chamber of Commerce  
 Global Business Travel Association  
 Global Cold Chain Alliance  
 GOA Regional Business Association  
 GPA Midstream Association  
 Grand Rapids Chamber Grapevine  
 Chamber of Commerce Greater  
 Albuquerque Chamber of  
 Commerce  
 Greater Bakersfield Chamber  
 Greater Binghamton Chamber of Commerce  
 Greater Boca Raton Chamber of Commerce  
 Greater Boston Chamber of Commerce  
 Greater Cheyenne Chamber of Commerce  
 Greater Coachella Valley Chamber of  
 Commerce  
 Greater Conejo Valley Chamber of  
 Commerce  
 Greater East Mountain Chamber (aka  
 Edgewood Chamber of Commerce)  
 Greater Flagstaff Chamber of Commerce  
 Greater Florence Chamber of Commerce  
 Greater Grass Valley Chamber of  
 Commerce  
 Greater Hammond Chamber  
 Greater Houston Partnership

Greater Idaho Falls Chamber of Commerce  
 Greater Irving-Las Colinas Chamber of  
 Commerce  
 Greater KC Chamber of Commerce  
 Greater Kings County Chamber of  
 Commerce  
 Greater Las Cruces Chamber of Commerce  
 Greater Latrobe Laurel Valley Chamber of  
 Commerce  
 Greater Louisville Inc., The Metro Chamber  
 of Commerce  
 Greater New Orleans, Inc. Greater  
 Ontario Business Council Greater  
 Phoenix Chamber  
 Greater Pittsburgh Chamber of Commerce  
 Greater Port Arthur Chamber of Commerce  
 Greater Reading Chamber Alliance  
 Greater Riverside Chambers of Commerce  
 Greater San Fernando Valley Chamber of  
 Commerce  
 Greater Shreveport Chamber of Commerce  
 Greater St. Louis, Inc.  
 Greater Tarpon Springs Chamber of  
 Commerce  
 Green Valley Sahuarita Chamber of  
 Commerce & Visitor Center  
 Greencastle-Antrim Chamber of Commerce  
 Hanover Area Chamber of Commerce  
 Harrisburg Regional Chamber & CREDC  
 Harrison Regional Chamber of Commerce  
 Hawthorne Chamber of Commerce Hayward  
 Chamber of Commerce HealthCare Institute  
 of New Jersey (HINJ) Healthcare  
 Leadership Council  
 Heating, Air-conditioning, & Refrigeration  
 Distributors International  
 HEB Chamber of Commerce  
 Henderson Chamber of Commerce  
 Hollywood Chamber of Commerce  
 Hospitality Maine  
 Hospitality Minnesota  
 Hotel Association of New York City  
 Hotel Association of Washington DC  
 Idaho Association of Commerce and  
 Industry  
 Idaho Chamber Alliance  
 Idaho Lodging & Restaurant Association

Illinois Chamber of Commerce  
 Illinois Civil Justice League  
 Illinois Hotel & Lodging Association  
 Illinois Restaurant Association Independent  
 Electrical Contractors Independent  
 Insurance Agents and Brokers  
 of America  
 Indian Valley Chamber of Commerce  
 Indiana Chamber of Commerce  
 Indiana Restaurant & Lodging Association  
 Information Technology Industry Council  
 Insurance Agents & Brokers of Maryland  
 Insurance Agents & Brokers of  
 Pennsylvania  
 International Association of Amusement  
 Parks and Attractions (IAAPA)  
 International Association of Movers (IAM)  
 International Association of Plastics  
 Distribution  
 International Council of Shopping Centers  
 International Foodservice Distributors  
 Association  
 International Housewares Association  
 International Sign Association  
 International Warehouse Logistics  
 Association  
 Irving Hispanic Chamber of Commerce  
 ISSA - The Worldwide Cleaning Industry  
 Association  
 Jackson Chamber of Commerce  
 Jackson Hole Chamber Of Commerce  
 Jacksonville Area Chamber of Commerce  
 JAX Chamber  
 Joliet Region Chamber of Commerce &  
 Industry  
 Juniata River Valley Chamber of Commerce  
 Kalispell Chamber of Commerce  
 Kauai Chamber of Commerce  
 Kentucky Chamber of Commerce  
 Keystone Contractors Association  
 Klamath County Chamber of Commerce  
 Kodiak Chamber of Commerce  
 Laguna Niguel Chamber of Commerce  
 Lake Elsinore Valley Chamber of  
 Commerce  
 Lake Township Chamber of Commerce  
 Lakewood Chamber of Commerce

Lancaster Chamber of Commerce Lansing  
 Regional Chamber of Commerce Leading  
 Builders of America Leading Age  
 Lebanon Area Chamber of Commerce  
 Licking County Chamber of Commerce  
 Lima/Allen County Chamber Of Commerce  
 Lincoln City Chamber of Commerce  
 Linton-Stockton Chamber of Commerce  
 Livingston Parish Chamber of Commerce  
 Lodi District Chamber of Commerce Logan  
 County Chamber Of Commerce Long  
 Beach Area Chamber of Commerce Los  
 Angeles Area Chamber of Commerce Los  
 Angeles County Business Federation  
 (BizFed)  
 Louisiana Coalition for Common Sense  
 Louisiana Hotel & Lodging Association  
 Louisiana Lawsuit Abuse Watch  
 Loveland Chamber of Commerce  
 Lubbock Chamber of Commerce Malibu  
 Chamber of Commerce  
 Manhattan Beach Chamber of Commerce  
 Manufactured Housing Institute  
 Manufacturer & Business Association  
 Marana Chamber of Commerce Marshfield  
 Area Chamber of Commerce &  
 Industry  
 Maryland Chamber of Commerce  
 Maryland Hotel Lodging Association  
 Mason City Area Chamber of Commerce  
 Massachusetts Lodging Association Maui  
 Chamber of Commerce  
 McAllen Chamber of Commerce  
 Medical Device Manufacturers Association  
 (MDMA)  
 Menifee Valley Chamber of Commerce  
 Meridian Chamber of Commerce  
 Mesa Chamber of Commerce  
 Mesquite NV Chamber of Commerce  
 Metals Service Center Institute  
 Michigan Chamber of Commerce  
 Michigan Restaurant & Lodging Association  
 Minnesota Retailers Association  
 Miramar Pembroke Pines Regional Chamber  
 of Commerce

Missouri Chamber of Commerce and  
 Industry  
 Missouri Retailers Association  
 Missouri Tire Industry Association  
 Mobile Area Chamber of Commerce  
 Molalla Area Chamber of Commerce  
 Monroe Chamber of Commerce  
 Montana Lodging & Hospitality Association  
 Montebello Chamber of Commerce  
 Murrieta/Wildomar Chamber of Commerce  
 Nampa Chamber of Commerce  
 National Air Carrier Association  
 National Apartment Association  
 National Association of Chain Drug Stores  
 National Association of Electrical  
 Distributors  
 National Association of Federally-Insured  
 Credit Unions  
 National Association of Manufacturers  
 National Association of Mutual Insurance  
 Companies (NAMIC)  
 National Association of Professional  
 Employer Organizations  
 National Association of Professional  
 Insurance Agents  
 National Association of Security Companies  
 National Association of Wholesaler-  
 Distributors  
 National Business Aviation Association  
 National City Chamber of Commerce  
 National Club Association  
 National Community Pharmacists  
 Association  
 National Cotton Council  
 National Fastener Distributors Association  
 National Franchise Association  
 National Grocers Association  
 National Limousine Association  
 National Marine Distributors Association  
 National Multifamily Housing Council  
 National Ready Mixed Concrete Association  
 National Restaurant Association  
 National Retail Federation  
 National Roofing Contractors Association  
 National RV Dealers Association (RVDA)  
 National Small Business Association

National Tooling and Machining Association  
 NC Chamber  
 Nebraska Chamber of Commerce & Industry  
 Nebraska Hotel & Lodging Association  
 Nevada Hotel & Lodging Association  
 Nevada Resort Association  
 New Hampshire Grocers Association  
 New Jersey Civil Justice Institute  
 New Jersey Hotel & Lodging Association  
 New Mexico Chamber of Commerce  
 New Orleans Regional Black Chamber of Commerce (NORBCC)  
 Newport Beach Chamber of Commerce  
 NFIB  
 NJ State Chamber of Commerce  
 NMA  
 Nogales-Santa Cruz County Chamber of Commerce  
 Norco Area Chamber of Commerce & Visitor Center  
 Norman Chamber of Commerce  
 North American Die Casting Association  
 North Carolina Restaurant and Lodging Association  
 North Clackamas County Chamber of Commerce  
 North Country Chamber of Commerce  
 North Orange County Chamber  
 North San Antonio Chamber of Commerce  
 North San Diego Business Chamber  
 Northern Kentucky Chamber of Commerce  
 Northville Chamber of Commerce  
 Ocean City Hotel-Motel-Restaurant Association  
 Oceanside Chamber of Commerce  
 Ohio Chamber of Commerce  
 Ohio Hotel & Lodging Association  
 Oklahoma Hotel & Lodging Association  
 Oklahoma Restaurant Association  
 Oklahoma Retail Merchants Association  
 Orange County Business Council  
 Oregon Restaurant & Lodging Association  
 Oregon State Chamber  
 Oshkosh Chamber of Commerce  
 Oswego Area Chamber of Commerce

Outdoor Power Equipment and Engine Service Association  
 Overland Park Chamber of Commerce  
 Oxnard Chamber of Commerce  
 PA Aggregates & Concrete Association  
 PA Association of Bed & Breakfast Inns  
 PA Council of Children, Youth & Family Services  
 PA Family Support Alliance  
 Paducah Area Chamber of Commerce  
 Palmdale Chamber of Commerce  
 Palos Verdes Peninsula Chamber of Commerce  
 Pennsylvania Association of Community Bankers  
 Pennsylvania Bankers Association  
 Pennsylvania Bus Association  
 Pennsylvania Chamber of Business and Industry  
 Pennsylvania Coalition for Civil Justice Reform  
 Pennsylvania Dental Association  
 Pennsylvania Food Merchants Association  
 Pennsylvania Health Care Association  
 Pennsylvania Medical Society  
 Pennsylvania Restaurant & Lodging Association  
 Pennsylvania Ski Areas Association, Inc.  
 Pennsylvania State Alliance of YMCAs  
 Peoria Chamber of Commerce  
 Pet Industry Distributors Association  
 Peters Township Chamber of Commerce  
 Petoskey Regional Chamber of Commerce  
 Petroleum Equipment Institute (PEI)  
 Pharmaceutical Research and Manufacturers of America (PhRMA)  
 PIA MidAmerica  
 Plastics Industry Association  
 Pleasanton Chamber of Commerce  
 Plumbing-Heating-Cooling Contractors--National Association  
 Port Hueneme Chamber of Commerce  
 Power and Construction Group  
 Precision Machined Products Association  
 Precision Metalforming Association  
 Prescott Chamber of Commerce  
 PRINTING United Alliance

Professional Background Screening  
 Association (PBSA)  
 Professional Beauty Association Puyallup  
 Sumner Chamber of CommerceQueen  
 Creek Chamber of Commerce, IncRantoul  
 Area Chamber of Commerce Redding  
 Chamber of Commerce Regional  
 Chamber of Commerce - San  
     Gabriel Valley  
 Reno + Sparks Chamber of CommerceRetail  
 Association of Maine  
 Retail Merchants of Hawaii  
 Rhode Island Hospitality Association  
 Rocky Mount Area Chamber of Commerce  
 Roseburg Area Chamber of Commerce  
 Rowan Chamber  
 Rowlett Chamber of Commerce  
 S Corporation Association  
     Sacramento Metropolitan Chamber of  
     Commerce  
 Salt Lake Chamber  
 San Benito Chamber of Commerce  
 San Diego Regional Chamber of Commerce  
 San Gabriel Valley Economic Partnership  
 San Juan Capistrano Chamber of Commerce  
 San Mateo Chamber of Commerce  
 San Pedro Chamber of Commerce  
 San Ramon Chamber of Commerce  
 Sanger Chamber of Commerce  
     Santa Barbara South Coast Chamber of  
     Commerce  
 Santa Fe Springs Chamber of Commerce  
 Santa Maria Valley Chamber of Commerce  
 Saratoga Chamber of Commerce  
 Sauk Valley Area Chamber of Commerce  
 Schuylkill Chamber of Commerce Seaside  
 Chamber of Commerce Securities  
 Industry and Financial Markets  
     Association  
 Simi Valley Chamber of Commerce  
 Slavic-American Chamber of Commerce  
 Small Business & Entrepreneurship Council  
 Somerset County PA Chamber of  
     Commerce  
 South Carolina Chamber of Commerce  
 South Carolina Restaurant & Lodging  
     Association / Myrtle Beach Hospitality

South Carolina Trucking Association  
 South Dakota Retailers Association  
 South Florida Hispanic Chamber of  
     Commerce  
 South Gate Chamber Of Commerce  
 South Padre Island Chamber of Commerce  
 South Salt Lake Chamber of Commerce  
 South San Francisco Chamber of Commerce  
 South Valley Chamber of Commerce  
 Southern Chester County Chamber of  
     Commerce  
 Southwest California Legislative Council  
 Southwest Regional Chamber of Commerce  
 Southwest Valley Chamber of Commerce  
 Specialty Equipment Market Association  
     (SEMA)  
 Spring River Area Chamber of Commerce  
 Springerville-Eagar Chamber of Commerce  
 Springfield Area Chamber of Commerce  
     (Missouri)  
     Springfield Area Chamber of Commerce  
     (Oregon)  
 St. Joseph Chamber of Commerce  
 St. Louis Area Hotel Association  
 Stayton Sublimity Chamber of Commerce  
 Sterling Heights Regional Chamber of  
     Commerce  
 Streetsboro Area Chamber of Commerce  
 Summerfield Civic Association  
 Surprise Regional Chamber of Commerce  
 Tampa Bay Beaches Chamber Of  
     Commerce  
 Taos County Chamber Of Commerce  
 Temecula Valley Chamber of Commerce  
 Tempe Chamber of Commerce Tennessee  
 Hospitality & Tourism  
     Association  
 Terrell Chamber of Commerce  
 Texas Civil Justice League  
 Texas Hotel & Lodging Association  
 Texas Retailers Association (TRA)  
 The Aluminum Association  
     The Business Council of New York State,  
     Inc.  
     The Chamber Grand Forks / East Grand  
     Fork

The Chamber of Medford & Jackson County  
 Council of Insurance Agents and Brokers  
 The Dalles Area Chamber of Commerce  
 The San Antonio Chamber of Commerce  
 The State Chamber of Oklahoma  
 The Travel Technology Association  
 Tigard Chamber of Commerce  
 Tile Roofing Industry Alliance  
 Toledo Regional Chamber of Commerce  
 Torrance Area Chamber of Commerce  
 Traverse Connect  
 Tri-City Regional Chamber of Commerce  
 Tri-County Chamber Alliance  
 Troy Area Chamber of Commerce  
 Truck Renting and Leasing Association  
 Tulare Chamber of Commerce  
 Umatilla Chamber of Commerce  
 United Chambers of Commerce  
 United Corpus Christi Chamber of Commerce  
 USTelecom - The Broadband Association  
 Utah Tourism Industry Association  
 Vail Valley Partnership  
 Valley Industry & Commerce Association (VICA)  
 Vegas Chamber  
 Vermont Chamber of Commerce  
 Vernal Area Chamber of Commerce  
 Virginia Chamber of Commerce

Virginia Restaurant, Lodging, and Travel Association  
 Washington Hospitality Association  
 Washington Retail Association  
 Wayne County Area Chamber of Commerce  
 West Shore Chamber of Commerce  
 West Valley Chamber of Commerce Alliance  
 West Virginia Hospitality & Travel Association  
 Western DuPage Chamber of Commerce  
 Whitefish Chamber of Commerce Wholesale & Specialty Insurance Association (WSIA)  
 Wichita Regional Chamber of Commerce  
 Wickenburg Chamber of Commerce  
 Winnie Area Chamber Of Commerce  
 Winona Area Chamber of Commerce  
 Wisconsin Association of Mutual Ins. Cos.  
 Wisconsin Civil Justice Council  
 Wisconsin Hotel & Lodging Association  
 Worldwide ERC®  
 WP Chamber of Commerce  
 Wyoming Lodging & Restaurant Association  
 Yorba Linda Chamber of Commerce  
 York County Economic Alliance  
 Youngstown Warren Regional Chamber  
 Yuma



February 26, 2021

The Honorable Kay Ivey Governor  
State of Alabama  
600 Dexter Avenue  
Montgomery, AL 36130

Dear Governor Ivey:

The Alabama District Export Council (ADEC) is a volunteer organization drawn from Alabama businesses, governmental agencies, and non-profits. Established in 1973 by the President and the Secretary of Commerce, District Export Councils are mandated to support the export expansion activities of the U.S. Department of Commerce and serve as a link between the business community and U.S. Export Assistance Centers (USEAC) across the United States. Our members have in-depth knowledge and experience in international business.

The ADEC and the listed businesses and industry below are writing to express deep reservations regarding the possibility of state and federal funding for new passenger rail service in Mobile County, Ala. The Alabama State Port Authority (ASPA), rail carriers and Alabama businesses have been closely monitoring a multiyear effort by the Southern Rail Commission (SRC) and Amtrak to establish new passenger rail service on the CSX corridor in Mobile County.

CSX's heavily used single track freight corridor serves the public terminals at Alabama's only seaport. Rail freight and containerized cargo shippers from across Alabama utilize CSX's southbound corridors and often cross on to the CSX Gulf Coast corridor to access Alabama's seaport and domestic markets to the east and west of Alabama. Shippers leverage efficiencies and capacity afforded by CSX 10,000 ft. to 15,000 ft. unit trains to access customers and receive necessary materials for manufacturing, mining, retail distribution and agribusiness, to name just a few examples. Currently, all rail sidings in the CSX corridor, including Alabama's coastal corridor, are 10,000 feet or less. Yet, under federal law, freight and container intermodal rail traffic must yield track right of way to passenger rail traffic.

To be clear, CSX would not be the only rail carrier impacted by new passenger rail service along the Gulf Coast. All of Alabama's Class I railroads and several short line railroads carrying merchandise, raw materials and containerized cargoes for Alabama shippers converge at the Port Authority's terminal rail yard and cross the CSX corridor to access the public seaport terminals. With over \$1.3 billion invested to date and another \$715 million in state and federal investment underway at Alabama's only seaport, delays and added congestion on the CSX line equate to customer dissatisfaction, increased costs to shippers and adverse impact on business competitiveness across the state. These kinds of impacts directly correlate to jobs retention and creation initiatives across Alabama.

Over a year ago, when the state and the City of Mobile were asked to contribute tax payer dollars to the Amtrak/SRC project, the Alabama State Port Authority, Governor Kay Ivey and the Mobile City Council urged a freight impact study and infrastructure cost analysis be conducted to identify actual freight and shipper impacts at one of the nation's fastest growth seaports, and more importantly, to identify the necessary improvements and true public costs to establishing passenger rail in this single-track corridor. State and municipal funding was contingent upon the completion of that study. As we understand, the objective of the freight study was to determine how both existing commerce and Amtrak passenger

1800 5<sup>th</sup> Avenue North, Suite 3300 | Robert S. Vance Federal Building | Birmingham, AL 35202

## ADEC Passenger Rail Letter

Page Two

February 26, 2021

interests could be accommodated without adverse impacts to host railroads and their Alabama-based customers, Alabama's seaport and the state's ever-growing business recruitment, retention, and expansion initiatives.

Amtrak, with the support of the SRC, CSX and Norfolk Southern, embarked upon the above-mentioned study last spring, and the process has been funded in part by federal taxpayer dollars. The parties, with Amtrak leading the way, selected HOR, a nationally recognized firm with railroad expertise and credibility amongst rail carriers and regulators alike, to perform the necessary study work. Despite pandemic induced delays in the process, the study was targeted to be complete in first quarter of 2021.

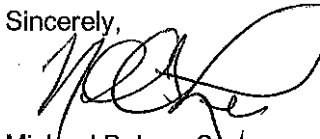
Then, in late January, the Alabama State Port Authority learned that Amtrak had abruptly and unilaterally decided not to continue with the study. Furthermore, it was determined that Amtrak had informed the other parties that it intended to "restore" passenger rail in the Gulf Coast corridor effective January 2022, declaring adequate infrastructure existed to accommodate both freight and passengers.

The ADEC and the listed business interests ask Alabama's Congressional delegation, the State of Alabama, and the City and County of Mobile to send a strong message to Amtrak by withholding public subsidy for this proposed project. We further ask your support in asking Amtrak to live up to its promise of working with the other parties to complete the study work necessary to demonstrate the full impact of passenger rail on Alabama's seaport and the state's diversified commercial interests.

Alabama Export Railroad  
Alabama Cattlemen's Association  
Alabama Forestry Association  
Alabama Railway Association  
Baldwin County Economic Development Alliance  
Business Council of Alabama  
Economic Development Association of Alabama  
Manufacture Alabama  
Mobile Area Chamber of Commerce  
Mobile Steamship Association  
Outokumpu USA  
Premier Bulk Stevedoring, LLC

Alabama Egg & Poultry Association  
Alabama Farmers Federation  
Alabama Mining Association  
Alabama State Port Authority  
Baldwin Transfer Co., Inc.  
CSA  
Georgia-Pacific Packaging & Cellulose  
Millard Maritime Merchants Transfer Co.  
Mobile Asphalt, LLC  
Nucor Corporation  
Page & Jones, Inc.  
SSA Gulf, Inc.

Sincerely,



Michael B. Lee, Sr.  
Chairman

C: Amit Bose, Deputy Administrator, Federal Railroad Administration  
Martin J. Oberman, Chair,  
Surface Transportation Board  
Congressman Jo Bonner (Rel.), Chief of Staff, Office of the Alabama Governor





**February 26, 2021**

**ADEC Passenger Rail LetterList of Letter  
Recipients**

The Honorable Kay Ivey  
Governor of Alabama

The Honorable Will AinsworthLt.  
Governor of Alabama

The Honorable Richard Shelby  
United States Senate

The Honorable Tommy Tuberville  
United States Senate

The Honorable Robert Aderholt  
United States House of Representatives

The Honorable Jerry Carl  
United States House of Representatives

The Honorable Barry Moore  
United States House of Representatives

The Honorable Mike Rogers  
United States House of Representatives

The Honorable Mo Brooks  
United States House of Representatives

The Honorable Gary Palmer  
United States House of Representatives

The Honorable Terri A. Sewell  
United States House of Representatives

The Honorable Greg Reed  
President Pro Tempore, Alabama State Senate

The Honorable Greg Albritton  
Alabama State Senate

The Honorable Arthur Orr  
Alabama State Senate

The Honorable Gerald Allen  
Alabama State Senate

The Honorable Mac McCutcheon  
Speaker, Alabama House of Representatives

The Honorable Victor Gaston  
Speaker Pro Tempore, Alabama House of Representatives

The Honorable Steve Clouse Alabama  
House of Representatives

The Honorable Bill Poole  
Alabama House of Representatives

The Honorable Chris Pringle Alabama  
House of Representatives

The Honorable Lynn Greer Alabama  
House of Representatives

The Honorable Sandy Stimpson  
Mayor, City of Mobile

The Honorable Fred Richardson, Jr.  
Councilman, City of Mobile

The Honorable Levon C. Manzie  
President, Mobile City Council, City of Mobile

The Honorable Bess Rich  
Councilwoman, City of Mobile

The Honorable Gina Gregory  
Councilwoman, City of Mobile

The Honorable Joel Daves  
Councilman, City of Mobile

The Honorable C.J. Small  
Councilman, City of Mobile

The Honorable Merceria Ludgood President,  
Mobile County Commission

The Honorable Connie Hudson  
Mobile County Commission

The Honorable Randall Dueitt  
Mobile County Commission

#### **Copies Distributed to:**

Chiefs of Staff for Gov. Ivey, Lt. Gov, Ainsworth, Senator Richard Shelby and Senator Tommy Tuberville. Amit Bose,  
Deputy Administrator, Federal Railroad Administration  
Martin J. Oberman, Chair, Surface Transportation Board

## Paycheck Protection Program Deadline Extension Support Letter

March 3, 2021

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

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

The Honorable Ben Cardin  
Chairman  
Committee on Small Business  
& Entrepreneurship  
United States Senate  
Washington, DC 20510

The Honorable Rand Paul  
Ranking Member  
Committee on Small Business  
& Entrepreneurship  
United States Senate  
Washington, DC 205210

Dear Leader Schumer, Leader McConnell, Chairman Cardin and Ranking Member Paul:

The undersigned organizations, representing millions of American small businesses, urge extension of the deadline for the Paycheck Protection Program (PPP) through December 31, 2021.

Congress created the PPP through passage of the bipartisan Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and in the past 12 months more than 5 million small businesses received PPP loans. That aid allowed between 1.4 and 3.2 million employees to stay on payroll even when their employers were forced to close their doors. Despite the breadth of this emergency aid, small businesses continue to struggle, especially minority-owned businesses. Survey data show that 66% of minority-owned small businesses fear permanent closure due to the pandemic compared to 57% of non-minority-owned firms.<sup>[1]</sup> The same report shows that minorities have a harder time accessing the capital needed to keep their businesses open. More recent data show neighborhoods with a higher concentration of minority-owned businesses are experiencing higher business closure rates (36%) compared to businesses in non-minority communities (22%).<sup>[2]</sup>

Legislation enacted last December helped target aid to small businesses that need help the most and the American Rescue Plan passed by the U.S. House of Representatives last week goes even further by providing targeted aid for the restaurant industry and for shuttered venues,

and by directing outreach and assistance to entrepreneurs in communities where minority-owned businesses are struggling.

All these steps, including President Biden's two-week initiative focusing PPP aid towards businesses with fewer than 20 employees, need additional time for them to actually produce the desired result. Extending the PPP deadline through the end of this year will ensure that the segment of small businesses facing the greatest obstacles do not get left behind.

We continue to need your help to ensure that Main Street emerges from the COVID-19 pandemic in a position of strength that bolsters America's recovery. Thank you for considering our views and please do not hesitate to contact any of the signatories if you have questions about the content of this letter.

Sincerely,

**National**

Academy of General Dentistry  
AICC, The Independent Packaging Association  
American Coatings Association  
American Council of Engineering Companies  
American Financial Services Association  
American Home Furnishings Alliance  
American Hotel & Lodging Association (AHLA)  
American Institute of Architects  
American Land Title Association  
American Mold Builders Association  
American Network of Community Options and Resources  
American Society of Association Executives  
American Society of Travel Advisors (ASTA)

American Subcontractor Association  
America's Small Business Development Centers  
AMT - The Association for Manufacturing Technology  
Argentum  
Asian American Hotel Owners Association  
Associated Wire Rope Fabricators  
Brick Industry Association  
Building Owners and Managers Association International  
Credit Union National Association  
DHI - Door Security & Safety Professionals  
Financial Executives International  
Golf Course Superintendents Association of America (GCSAA)

Hearth, Patio & Barbecue Association	National Business League, Inc.
HUBZone Contractors National Council	National Club Association
Independent Electrical Contractors	National Community Pharmacists Association
Independent Insurance Agents and Brokers of America	National Cooperative Business Association
International Association of Plumbing and Mechanical Officials (IAPMO)	CLUSA International
International Council of Shopping Centers	National Grain and Feed Association
International Franchise Association	National Independent Automobile Dealers Association (NIADA)
International Sign Association	National LGBT Chamber of Commerce (NGLCC)
ISD - International Sealing Distribution Association	National Mining Association
Metals Service Center Institute	National Ready Mixed Concrete Association
Motor & Equipment Manufacturers Association	National Restaurant Association
NAMM - National Association of Music Merchants	National Retail Federation
National Association for Surface Finishing	National RV Dealers Association (RVDA)
National Association of Manufacturers	National Small Business Association
National Association of Professional Employer Organizations	National Tooling and Machining Association
National Association of Professional Insurance Agents	North American Association of Food Equipment Manufacturers (NAFEM)
National Association of REALTORS®	North American Die Casting Association
National Association of Surety Bond Producers	Pet Industry Distributors Association
National Association of the Remodeling Industry	Plumbing-Heating-Cooling Contractors--National Association
National Association of Trailer Manufacturers	Portland Cement Association
National Automatic Merchandising Association	Precision Machined Products Association
	Precision Metalforming Association
	Professional Beauty Association
	Security Industry Association
	SHDA - Security Hardware Distributors Association

Slavic-American Chamber of Commerce  
 Small Business & Entrepreneurship Council  
 Small Business Majority  
  
 Solar Energy Industries Association  
 Specialty Equipment Market Association  
 The Association for Hose and Accessories  
 Distribution  
 The Electronic Transactions Association  
 The Institute of Internal Auditors  
 The Latino Coalition  
 The National Center for American Indian  
 Enterprise Development  
 The Society of Collision Repair Specialists  
 (SCRS)  
 Travel Goods Association  
 Truck Renting and Leasing Association  
 U.S. Chamber of Commerce  
 U.S. Travel Association  
 USTelecom Association  
 Vacation Rental Management Association  
 Wholesale Florist & Florist Supplier  
 Association  
 Wine Institute  
 Women Veterans Business Coalition  
 Worldwide ERC®

### **Alabama**

Alabama Tire Dealers Association  
  
 Automotive Aftermarket Association  
 Southeast, Inc.

Central Baldwin Chamber of Commerce  
 Coastal Alabama Business Chamber  
 Dothan Area Chamber of Commerce  
  
 Eufaula Barbour County Chamber of  
 Commerce  
 Mobile Area Chamber of Commerce  
 Opelika Chamber of Commerce  
 Prattville Area Chamber of Commerce

### **Alaska**

Anchorage Chamber of Commerce  
 Kodiak Chamber of Commerce  
 Seward Chamber of Commerce

### **Arizona**

Apache Junction Chamber of Commerce  
 Arizona Chamber of Commerce and  
 Industry  
 Buckeye Valley Chamber of Commerce  
 Chandler Chamber of Commerce  
 Glendale Chamber of Commerce (AZ)  
 Greater Flagstaff Chamber of Commerce  
 Greater Phoenix Chamber  
 Lake Havasu Area Chamber of  
 Commerce  
 Nogales-Santa Cruz County Chamber of  
 Commerce  
 Prescott Valley Chamber of Commerce  
 Queen Creek Chamber of Commerce  
 Sierra Vista Area Chamber of Commerce  
 Southwest Cable Communications  
 Associations  
 Surprise Regional Chamber of Commerce



Tempe Chamber of Commerce

Tucson Metro Chamber

Wickenburg Chamber of Commerce

### **Arkansas**

Arkansas State Chamber/Associated Industries of AR

Fayetteville Chamber of Commerce

Harrison Regional Chamber of Commerce

Little Rock Regional Chamber of Commerce

Malvern/Hot Spring County Chamber of Commerce

### **California**

Alameda Chamber of Commerce

Azusa Chamber of Commerce

Beaumont California Chamber of Commerce

Brea Chamber

California Chamber of Commerce

California Farm Bureau

CAMEO-California Association for Micro Enterprise Opportunity

Carlsbad Chamber of Commerce

Carmel Chamber of Commerce

Chino Valley Chamber of Commerce

Claremont Chamber of Commerce

Coalition of California Chambers Orange County

Costa Mesa Chamber of Commerce

Cupertino Chamber of Commerce

Dana Point Chamber of Commerce

El Dorado County Chamber of Commerce

El Monte/South El Monte Chamber of Commerce

Encinitas Chamber of Commerce

Escondido Chamber of Commerce

Folsom Chamber of Commerce

Fremont Chamber of Commerce

Fresno Chamber of Commerce

Gardena Valley Chamber of Commerce

Gateway Chambers Alliance

Greater Conejo Valley Chamber of Commerce

Greater Irvine Chamber of Commerce

Greater Ontario Business Council

Greater Riverside Chamber of Commerce

Hawthorne Chamber of Commerce

Hayward Chamber of Commerce

Laguna Beach Chamber of Commerce

Laguna Niguel Chamber of Commerce

Lake Elsinore Valley Chamber of Commerce

Lincoln Area Chamber of Commerce

Long Beach Area Chamber of Commerce

Los Angeles Area Chamber of Commerce

Mammoth Lakes Chamber of Commerce

Manhattan Beach Chamber of Commerce

Modesto Chamber of Commerce

Monrovia Chamber of Commerce

Montrose Verdugo City Chamber of Commerce

Murrieta/Wildomar Chamber of Commerce  
 National City Chamber of Commerce  
 Newport Beach Chamber of Commerce  
 North Orange County Chamber  
 North San Diego Business Chamber  
 Norwalk Chamber of Commerce  
 Oceanside Chamber of Commerce  
 Orange County Business Council  
 Oxnard Chamber of Commerce  
 Palos Verdes Peninsula Chamber of  
 Commerce  
 Paradise Ridge Chamber of Commerce  
 Placentia Chamber of Commerce  
 Pleasanton Chamber of Commerce  
 Rainbow Chamber of Commerce  
 Ramona Chamber of Commerce  
 Rancho Cordova Area Chamber of  
 Commerce  
 Rio Vista Chamber of Commerce  
 Sacramento Metropolitan Chamber of  
 Commerce  
 San Diego Regional Chamber of Commerce  
 San Gabriel Valley Economic Partnership  
 San Juan Capistrano Chamber of Commerce  
 San Marcos Chamber of Commerce  
 San Mateo Area Chamber of Commerce  
 San Pedro Chamber of Commerce  
 San Rafael Chamber of Commerce  
 Santa Barbara South Coast Chamber of  
 Commerce

Santa Cruz County Chamber of Commerce  
 Sherman Oaks Chamber of Commerce  
 South Bay Association of Chambers  
 of Commerce  
 South San Francisco Chamber of Commerce  
 The Brawley Chamber of Commerce for  
 Greater Brawley  
 Torrance Area Chamber of Commerce  
 Tulare Chamber of Commerce  
 United Chambers of Commerce of  
 SanFernando Valley  
 Valley Industry Commerce Association  
 Wilmington Chamber of Commerce  
 Yorba Linda Chamber of Commerce

### **Colorado**

Alamosa County Chamber of  
 CommerceAurora Chamber of  
 Commerce  
 Boulder Chamber  
 Denver Metro Chamber of Commerce  
 Glenwood Springs Chamber  
 ResortAssociation  
 Golden Chamber of Commerce  
 Longmont Area Chamber of  
 CommerceVail Valley Partnership  
 Westminster Chamber of Commerce

**Connecticut**

Greater New Haven Chamber of  
CommerceMetroHartford Alliance  
Midstate Chamber of Commerce

**Delaware**

Delaware State Chamber of Commerce

**Florida**

Chamber of Commerce of Cape Coral  
Chamber of Commerce of the Palm Beaches  
Coral Gables Chamber of Commerce  
Florida Chamber of Commerce  
Fort Myers Beach Chamber of Commerce  
Greater Boca Raton Chamber of Commerce  
Greater Fort Walton Beach, Florida  
Chamber of Commerce  
Greater Palm Bay Chamber of Commerce  
Greater Winter Haven Chamber of  
Commerce  
Holly Hill Chamber of Commerce  
Jackson County Chamber of Commerce  
JAX Chamber  
Lakeland Chamber of Commerce  
North Port Area Chamber of Commerce  
North Tampa Bay Chamber  
Panama City Beach Chamber of Commerce  
Sanibel and Captiva Chamber  
South Lake Chamber of Commerce  
South Tampa Chamber of Commerce

Stuart/Martin County Chamber of  
Commerce

Tarpon Springs Chamber of Commerce

West Orange Chamber of Commerce

West Volusia Regional Chamber of  
Commerce

**Georgia**

Barnesville-Lamar County Chamber of  
Commerce  
Barrow County Chamber of  
CommerceChattooga Chamber of  
Commerce Cobb Chamber  
Columbia County Chamber of  
CommerceCovington/Newton Chamber  
DeKalb Chamber of Commerce  
Dooly County Chamber of  
CommerceDunwoody Perimeter  
Chamber Georgia Chamber of  
Commerce Gwinnett Chamber of  
Commerce Henry County Chamber  
of Commerce  
Jackson County Area Chamber  
ofCommerce  
Lavonia Chamber of Commerce

**Hawaii**

Chamber of Commerce Hawaii

**Idaho**

Boise Metro Chamber

Coeur d'Alene Regional Chamber

Greater Idaho Falls Chamber of  
Commerce  
Idaho Chamber Alliance  
Jerome Chamber of Commerce  
Meridian Chamber of Commerce  
  
Pocatello-Chubbuck Chamber of Commerce  
  
Twin Falls Area Chamber of Commerce

### **Illinois**

Bolingbrook Area Chamber of  
Commerce  
Cary-Grove Area Chamber of  
Commerce  
Champaign Area Chamber of  
Commerce  
Chicago Area Chamber of Commerce  
Decatur Regional Chamber of Commerce  
Elgin Area Chamber of Commerce  
Elmhurst Chamber of Commerce and  
Industry  
Forest Park Chamber of Commerce  
GOA Regional Business Association  
Grundy County Chamber of Commerce &  
Industry  
Illinois Chamber of Commerce  
Innovation DuPage  
Joliet Region Chamber of Commerce &  
Industry  
Lincoln Park Chamber of Commerce  
Mokena Chamber of Commerce  
Morton Chamber of Commerce and  
Economic Development Council  
Naperville Area Chamber of Commerce  
Niles Chamber of Commerce & Industry

Orland Park Area Chamber of Commerce  
Oswego Area Chamber of Commerce  
Ottawa Area Chamber of Commerce &  
Industry  
Paris Area Chamber of Commerce &  
Tourism  
Rantoul Area Chamber of Commerce  
RiverBend Growth Association  
Rockford Chamber of Commerce  
Sauk Valley Area Chamber of Commerce  
The Greater Springfield Chamber of  
Commerce  
Winnetka-Northfield Chamber of  
Commerce  
Effingham County Chamber of Commerce

### **Indiana**

Daviess County Chamber of Commerce  
& Visitors Bureau  
Indiana Chamber Executives  
Association (ICEA)  
Indiana Chamber of Commerce  
Noblesville Chamber of  
Commerce  
South Bend Regional  
Chamber  
Southwest Indiana  
Chamber

### **Iowa**

Atlantic Area Chamber of Commerce  
Bedford Area Chamber of Commerce  
Boone County Chamber of Commerce  
Cedar Rapids Metro Economic Alliance

Clear Lake Area Chamber of Commerce  
 Council Bluffs Area Chamber of Commerce  
  
 Dubuque Area Chamber of Commerce  
 Greater Des Moines Partnership  
 Marshalltown Area Chamber of Commerce  
 Monticello Area Chamber of  
 Commerce, Inc.  
  
 Spencer Chamber of Commerce  
 Waverly Chamber of Commerce/Main  
 Street

### **Kansas**

Greater Topeka Chamber of Commerce  
 Manhattan Area Chamber of Commerce  
  
 Overland Park Chamber of Commerce  
 Pratt Area Chamber of Commerce/Pratt  
 CVB/Economic Development  
 Salina Area Chamber of Commerce  
 The Chamber of Lawrence, Kansas

### **Kentucky**

Commerce Lexington  
  
 Greater Louisville Inc., The Metro Chamber  
 of Commerce  
 Kentucky Chamber of Commerce

### **Louisiana**

Baton Rouge Area Chamber  
  
 Central Chamber of Commerce  
 Chamber Southwest Louisiana

Greater Minden Chamber of Commerce  
 Greater New Orleans, Inc.  
  
 Greater Shreveport Chamber of Commerce  
 Jefferson Chamber  
 Monroe Chamber of Commerce  
 New Orleans Chamber of Commerce  
 One Acadiana  
  
 River Region Chamber of Commerce  
 St. Mary Chamber of Commerce  
 Tangipahoa Chamber of Commerce

### **Maine**

Retail Association of Maine

### **Maryland**

Central Maryland Chamber of  
 Commerce  
 Frederick County (MD) Chamber  
 of Commerce  
  
 Greater Silver Spring Chamber  
 of Commerce  
  
 Maryland Chamber of Commerce  
 Salisbury Area Chamber of  
 Commerce  
  
 Washington County (Maryland) Chamber  
 of Commerce

### **Massachusetts**

Associated Industries of Massachusetts-  
 AIM

Blackstone Valley Chamber of  
Commerce  
Cape Cod Canal Region Chamber  
Cape Cod Chamber of Commerce & CVB  
Greater Boston Chamber of Commerce  
Greater Lowell Chamber of Commerce  
Metro South Chamber of Commerce  
MetroWest Chamber of Commerce  
Neponset River Regional Chamber  
Newton-Needham Regional Chamber  
One South Coast Chamber  
Orleans Chamber of Commerce  
South Shore Chamber of Commerce  
Springfield Regional Chamber  
Taunton Area Chamber of Commerce  
The United Regional Chamber  
of Commerce

### **Michigan**

Adrian Area Chamber of Commerce  
Battle Creek Area Chamber of  
Commerce  
Bay Area Chamber of Commerce  
Birmingham Bloomfield Chamber  
Blue Water Area Chamber  
Charlevoix Area Chamber of Commerce  
Elk Rapids Area Chamber of Commerce  
Grand Rapids Chamber  
Lansing Regional Chamber  
Macomb County Chamber of Commerce  
Michigan Chamber of Commerce

Michigan West Coast Chamber of  
Commerce  
Midland Business Alliance  
Northville Chamber of Commerce  
Petoskey Regional Chamber of Commerce  
Saginaw County Chamber of Commerce  
Southern Wayne County Regional Chamber

### **Minnesota**

Blue Earth Chamber of Commerce  
Brainerd Lakes Chamber of Commerce  
Burnsville Chamber of Commerce  
Fairmont Area Chamber of Commerce  
Grand Rapids Area Chamber  
Greater Stillwater Chamber of Commerce  
Melrose Area Chamber of Commerce  
Minneapolis Regional Chamber  
Minnesota Chamber of Commerce  
National Association of the Remodeling  
Industry (NARI) of MN  
Pipestone Area Chamber of Commerce  
& CVB  
Rochester Area Chamber of Commerce  
Shakopee Chamber and Visitors Bureau  
Waconia Area Chamber of Commerce  
& Visitors Bureau  
White Bear Area Chamber of Commerce  
Wilmar Lakes Area Chamber of Commerce  
Winona Area Chamber of Commerce, Inc



**Mississippi**

Choctaw County Chamber of Commerce  
 Covington County Chamber of Commerce  
 Greater Picayune Area Chamber  
 of Commerce  
 Hancock County Chamber of Commerce  
 Hancock County Community  
 Development Foundation  
 Mississippi Gulf Coast Chamber  
 of Commerce, Inc.  
 Partners for Stennis & Michoud  
 Petal Area Chamber of Commerce  
 Vicksburg Warren Economic Development  
 Partnership

**Missouri**

Bethany Area Chamber of Commerce  
 Columbia (MO) Chamber of  
 Commerce  
 Greater KC Chamber of  
 Commerce  
 Greater St. Charles County Chamber  
 of Commerce  
 Greater St. Louis, Inc.  
 Lee's Summit Chamber of Commerce  
 Missouri Chamber of Commerce and  
 Industry  
 Springfield Area Chamber of Commerce  
 Table Rock Lake Chamber of Commerce

**Montana**

Bigfork Area Chamber of Commerce  
 Billings Chamber of Commerce

Kalispell Chamber of Commerce

Montana Chamber of Commerce

**Nebraska**

Lincoln Chamber of Commerce  
 Seward County Chamber & Development  
 Partnership  
 Washington County Chamber of Commerce

**Nevada**

Carson City Chamber of Commerce  
 Henderson Chamber of Commerce  
 Las Vegas Chamber of Commerce  
 Laughlin Chamber & Tourism  
 Commission  
 Mesquite NV Chamber of  
 Commerce  
 Pahrump Valley  
 Chamber of Commerce  
 Reno +  
 Sparks Chamber of Commerce  
 White Pine Chamber of Commerce  
 Women's Chamber of Commerce of  
 Nevada

**New Hampshire**

Business & Industry Association of  
 New Hampshire  
 Lakes Region Chamber of  
 Commerce

**New Jersey**

Burlington County Regional Chamber  
 of Commerce  
 Chamber of Commerce Southern  
 New Jersey

Greater Westfield Area Chamber  
of Commerce

New Jersey Bankers Association

NJ State Chamber of Commerce

### **New Mexico**

Clovis/Curry County Chamber  
of Commerce

Gallup McKinley County Chamber  
of Commerce

Greater Albuquerque Chamber  
of Commerce

New Mexico Chamber of Commerce

### **New York**

Advocacy Coalition of Rochester  
AreaChambers (ACRAC)

Bronx Chamber of Commerce

Buffalo Niagara Partnership

Capital Region Chamber

Chemung County Chamber of Commerce

Corning Area Chamber of Commerce

Cortland County Chamber of Commerce

Delaware County Chamber of Commerce

Garden City Chamber

Greater Olean Area Chamber of Commerce

Greater Rochester Chamber of Commerce

Greater Utica Chamber of Commerce

Greater Watertown-North Country Chamber  
of Commerce

Hilton-Parma-Hamlin Chamber of  
Commerce

North Country Chamber of Commerce

Ontario Chamber of Commerce, Inc.

Otsego County Chamber of Commerce

Tompkins County Chamber of Commerce

### **North Carolina**

Franklin Area Chamber of Commerce

Greater Winston Salem, Inc.

Lewisville-Clemmons Chamber of  
Commerce

Moore County Chamber of Commerce

North Carolina Chamber

Triangle East Chamber of Commerce

Wilmington Chamber

### **North Dakota**

FMWF Chamber of Commerce

Greater North Dakota Chamber

The Chamber Grand Forks / East Grand  
Forks

Williston Area Chamber of Commerce

### **Ohio**

Bucyrus Area Chamber of Commerce

Cincinnati USA Regional Chamber

Columbus Chamber of Commerce

Dayton Area Chamber of Commerce

Greater Akron Chamber

Hardin County Chamber &  
BusinessAlliance

Hilliard Area Chamber of Commerce

Lima Allen County Chamber of Commerce  
 Portsmouth Area Chamber of Commerce  
 Salem Area Chamber of Commerce  
 The Chamber of Commerce serving  
 Middletown, Monroe & Trenton (OH)  
 Toledo Regional Chamber of Commerce  
 Troy Area Chamber of Commerce  
 Troy Area Chamber of Commerce  
 Vandalia Butler Chamber of Commerce  
 Willoughby Western Lake County  
 Chamber of Commerce  
 Zanesville - Muskingum County,  
 Ohio Chamber of Commerce

### **Oklahoma**

Choctaw Area Chamber of Commerce  
 Claremore Area Chamber of  
 CommerceCushing Chamber of  
 Commerce Greater OKC Chamber  
 Norman Chamber of Commerce  
 State Chamber of Oklahoma  
 Tulsa Regional Chamber

### **Oregon**

Bend Chamber of Commerce  
 Eugene Area Chamber of  
 Commerce  
 Greater Hermiston Chamber of  
 CommerceHillsboro Chamber  
 Oregon Business & Industry

Oregon State Chamber of Commerce  
 Portland Business Alliance  
 Roseburg Area Chamber of Commerce  
 Seaside Chamber of Commerce  
 Sherwood Area Chamber of Commerce  
 Springfield Area Chamber of Commerce  
 Stayton Sublimity Chamber and Regional  
 Visitor Center  
 West Linn Chamber of Commerce

### **Pennsylvania**

Beaver County Chamber of Commerce  
 Cambria Regional Chamber of Commerce  
 Carlisle Area (PA) Chamber of Commerce  
 Chester County Chamber of Business &  
 Industry  
 East Liberty Quarter Chamber of Commerce  
 Greater Latrobe Laurel Valley Chamber of  
 Commerce  
 Greater Reading Chamber Alliance  
 Greater Scranton Chamber of Commerce  
 Juniata River Valley Chamber of Commerce  
 Lancaster Chamber  
 Manufacturer & Business Association  
 Pennsylvania Chamber of Business and  
 Industry  
 Pike County Chamber of Commerce  
 Punxsutawney Area Chamber of Commerce,  
 Inc.

Schuylkill Chamber of Commerce

Somerset County Chamber

TriCounty Area Chamber of Commerce

### **Puerto Rico**

Puerto Rico Chamber of Commerce

### **Rhode Island**

Central Rhode Island Chamber  
of Commerce, Inc.

East Greenwich Chamber of  
Commerce

Greater Providence Chamber of  
Commerce

### **South Carolina**

Anderson Area Chamber of Commerce

Berkeley Chamber of Commerce

Clemson Area Chamber of Commerce

Columbia Chamber of Commerce

Greater Easley Chamber of Commerce

Greater Hartsville Chamber of Commerce

Greater Summerville/Dorchester County  
Chamber of Commerce

Greenville (SC) Chamber

Hilton Head Island Bluffton chamber  
of commerce

Lexington Chamber & Visitors Bureau

McCormick County Chamber of Commerce

Myrtle Beach Area Chamber & CVB

North Myrtle Beach Chamber CVB

Oconee County Chamber of Commerce

Simpsonville Area Chamber of Commerce

South Carolina Chamber of Commerce

Upstate Chamber Coalition

### **South Dakota**

Greater Sioux Falls Chamber of Commerce

Watertown Area Chamber of Commerce

### **Tennessee**

Bristol TN/VA Chamber of Commerce

Chattanooga Area Chamber of Commerce

Kingsport Chamber

Nashville Area Chamber of Commerce

National Cotton Council

Oak Ridge Chamber of Commerce

Tennessee Chamber of Commerce &  
Industry

### **Texas**

Abilene Chamber of Commerce

Alamo Chamber of Commerce

Allen Fairview Chamber of Commerce

Big 6 Alliance

Bulverde Spring Branch Area Chamber of  
Commerce

Cedar Hill Chamber of Commerce

Cedar Park Chamber of Commerce

Central Fort Bend Chamber

El Paso Hispanic Chamber of Commerce  
 Flatonia Chamber of Commerce  
 Fort Bend Chamber  
 Fulshear Katy Area Chamber of Commerce  
 Frisco Chamber of Commerce  
 Garland Chamber of Commerce  
 Georgetown Chamber of Commerce  
 Granbury Chamber of Commerce,  
 Grand Prairie Chamber of Commerce  
 Grapevine Chamber of Commerce  
 Greater Houston LGBT Chamber  
 of Commerce  
 Greater Irving-Las Colinas Chamber  
 of Commerce  
 Greater Magnolia Parkway Chamber  
 of Commerce  
 Greater Orange Area Chamber  
 of Commerce  
 Greater Waco Chamber of Commerce  
 Greenville Chamber of Commerce  
 Hurst Euless Bedford Chamber  
 of Commerce  
 Katy Area Chamber  
 Laredo Chamber of Commerce  
 Lubbock Chamber of Commerce  
 Lufkin / Angelina County Chamber  
 of Commerce  
 McAllen Chamber of Commerce  
 Mesquite Chamber of Commerce  
 North Texas Commission

North Texas LGBT Chamber of Commerce  
 Palacios Chamber of Commerce  
 Plano Chamber of Commerce  
 Round Rock Chamber of Commerce  
 Rowlett Chamber of Commerce  
 Royse City Chamber of commerce  
 San Benito Chamber of Commerce  
 Sherman Chamber of Commerce  
 Terrell Chamber of Commerce  
 Texas Association of Business  
 The Chamber (Schertz-Cibolo-Selma Area)  
 The Longview Chamber  
 United Corpus Christi Chamber of  
 Commerce

### **Utah**

ChamberWest Chamber of Commerce  
 Draper Area Chamber of Commerce  
 Park City Chamber of Commerce  
 Point of the Mountain Chamber of  
 Commerce  
 Salt Lake Chamber of CommerceSouth  
 Salt Lake Chamber  
 South Valley Chamber of Commerce  
 St. George Area Chamber of Commerce  
 Vernal Area Chamber of Commerce

### **Vermont**

Vermont Chamber of Commerce

**Virginia**

Arlington Chamber of Commerce

Halifax County Chamber of Commerce

Montgomery County Chamber of  
Commerce

**Washington**

Association of Washington Business

Bellingham Regional Chamber of  
Commerce

Covington Chamber of Commerce

Enumclaw Chamber of Commerce

Ferndale Chamber of Commerce

Fife Milton Edgewood Chamber  
of Commerce

Greater Grays Harbor, Inc.

Greater Kirkland Chamber of Commerce

Greater Spokane Valley Chamber  
of Commerce

Greater Vancouver Chamber of Commerce

Kent Chamber of Commerce

Lewis Clark Valley Chamber of Commerce

Moses Lake Chamber of Commerce

North Mason Chamber of Commerce

Puyallup Sumner Chamber of Commerce

Seattle Metropolitan Chamber of Commerce

South Kitsap Chamber of Commerce

Tacoma-Pierce County Chamber

The Tri-City Regional Chamber  
of Commerce

Thurston County Chamber of Commerce

Washington Retail Association

**West Virginia**

Martinsburg-Berkeley County Chamber  
of Commerce

Weirton Area Chamber of Commerce

West Virginia Chamber of Commerce

**Wisconsin**

Eau Claire Area Chamber of Commerce

Fox Cities Chamber of Commerce

Kenosha Area Chamber of Commerce

Marinette Menominee Area Chamber of  
Commerce

Monroe Chamber of Commerce and  
Industry

National Association of the  
Remodeling Industry (NARI) of  
Madison

New Berlin Chamber of Commerce &  
Visitors Bureau

Oshkosh Chamber of Commerce

Wisconsin Restaurant Association

Wisconsin Manufacturers &  
Commerce

**Wyoming**

Greater Cheyenne Chamber of Commerce

Jackson Hole Chamber of Commerce

Sheridan County Chamber of Commerce



**CREATIVE ECONOMY LETTER**

April 26, 2021

The Honorable Nancy Pelosi, Speaker  
United States House of Representatives  
1236 Longworth House Office Building  
Washington, D.C. 20510

The Honorable Charles Schumer, Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20515

The Honorable Kevin McCarthy, Leader  
United States House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20510

The Honorable Mitch McConnell, Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, D.C. 20515

Dear Speaker Pelosi and Leaders Schumer, McConnell, and McCarthy:

Thank you for your leadership and continued work to protect Americans, stabilize the economy, and ensure the survival of key institutions and sectors during this challenging time. We represent a group of **113 chambers of commerce from 46 states** collectively working with **over 33 million employers, employees, and businesses** of all sizes and industries to respond to our national public health and economic crisis.

The 2020 CARES Act and the new American Rescue Plan Act provided much-needed relief to many of our members, however, there are critical gaps in the aid that fail to meet the needs of the creative economy and cultural infrastructure. A report from the Brookings Institution<sup>1</sup> found that the country's 670,000 creative economy businesses (which generate \$919.7 billion each year towards the GDP)<sup>2</sup> have collectively lost at least \$150 billion, and that over half of all workers in the creative sector remain unemployed.

Johns Hopkins University and the international Organization for Economic Cooperation and Development warn<sup>3</sup> that the creative sector is among the most impacted industries in the country—with damaging ripple effects to restaurants, tourism, travel, and local businesses. Bureau of Economic Analysis data shows that the sector contracted by 59% between the end of 2019 and mid-2020—twice the rate of other highly impacted industries—and is rebounding at a slower rate.<sup>4</sup>

**We request that the U.S. Congress work swiftly to enact the following provisions within the infrastructure and recovery package known as the American Jobs Plan.** These proposals echo the *Put Creative Workers to Work* policy platform endorsed by over 2,300 creative businesses and creative workers in all 50 states.<sup>5</sup>

- Allocate \$14 billion to incentivize local, state, and tribal businesses and governments to put creative workers to work and activate cultural infrastructure, including hiring or tax credits to incentivize businesses and local and state agencies to accelerate hiring, re-hiring, or retention of creative workers; funds to incentivize financial institutions to invest in small creative businesses and creative entrepreneurs; grants to cover restart costs for small creative

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<sup>1</sup> Source: Brookings Institution, *Lost Art*, 2020

<sup>2</sup> Source: [U.S. Bureau of Economic Analysis](#), 2020

<sup>3</sup> Source: [Johns Hopkins University](#) and [Organisation for Economic Co-operation and Development](#)

<sup>4</sup> Source: [U.S. Bureau of Economic Analysis](#), 2020

<sup>5</sup> Visit <http://www.creativeworkers.net>

businesses and provide capital for the creation of new creative product to be sold; and support for local and state creative workforce programs.

- Allocate \$3 billion to spark an American cultural renaissance via the NEA, NEH, IMLS, and other federal agencies, including through creative jobs, fellowships, residencies, and commissions designed to drive local economic growth and community cohesion, produce free entertainment to encourage local spending, and incentivize local and state workforce development and infrastructure programs.
- Allocate \$1 billion in arts and creativity-based education for recovery via the Department of

Education, including a bridge program to incentivize retention of arts educators within education infrastructure.

- Direct the Federal Reserve to broaden their nonprofit lending facility under the Main Street Lending Program to specifically benefit mid-size nonprofits to those with more than 500 employees, and a loan forgiveness option.

As we face the road to economic recovery, we must prioritize creative infrastructure and the sector of creative and cultural institutions, particularly because they will help drive the recovery of local small businesses and economies of all types. With key investments and funding, cultural institutions can push the recovery forward across the country.

Sincerely,

Alabama

Mobile Area Chamber, Mobile, AL

Arkansas

Greater Bentonville Area Chamber of Commerce, Bentonville, AR

Arizona

Visit Tucson, Tucson, AZ

California

Los Angeles Area Chamber, Los Angeles, CA

Orange County Business Council, Orange County, CA

Pacific Grove Chamber of Commerce, Pacific Grove,

CASanta Monica Chamber of Commerce, Santa

Monica, CA

Colorado

Aurora Chamber of Commerce, Aurora, CO

Boulder Chamber of Commerce, Boulder,

CO

Crested Butte Chamber of Commerce, Crested Butte, CO

Connecticut

Central Connecticut Chambers of Commerce, Bristol,

CTGreater Norwalk Chamber of Commerce, Norwalk,

CT MetroHartford Alliance, Hartford, CT

Florida

AMPLIFY Clearwater, Clearwater, FL

Greater Miami Chamber of Commerce, Miami,

FLLakeland Chamber of Commerce, Lakeland,

FL

Georgia

Metro Atlanta Chamber of Commerce, Atlanta, GA

Hawaii

Chamber of Commerce of Hawaii, Honolulu, HI

Japanese Chamber of Commerce & Industry of Hawaii, Honolulu, HI

Idaho

Boise Metro Chamber, Boise, ID

Illinois

Joliet Region Chamber of Commerce and Industry, Joliet,

IL Oak Lawn Chamber of Commerce, Chicago, IL

Oak Park - River Forest Chamber of Commerce, Oak Park, IL

The Greater Springfield Chamber of Commerce, Springfield,  
IL

Indiana

Indy Chamber, Indianapolis, IN

Southwest Indiana Chamber of Commerce, Evansville, IN

Iowa

DuBuque Area Chamber of Commerce, DuBuque,

IA Iowa City Area Business Partnership, Iowa City,

IA

Kansas

Salina Area Chamber of Commerce, Salina, KS

Kentucky

Greater Louisville Inc., Louisville, KY

Louisiana

Greater Shreveport Chamber of Commerce, Shreveport, LA

Maryland

Gaithersburg-Germantown Chamber of Commerce, Gaithersburg, MD

Massachusetts

Cape Cod Chamber of Commerce, Cape Cod, MA

Greater Boston Chamber of Commerce, Boston, MA

Middlesex West Chamber of Commerce, Acton, MA

Nashoba Valley Chamber of Commerce, Littleton, MA

Springfield Regional Chamber of Commerce, Springfield,

MA Stoneham Chamber of Commerce, Stoneham, MA

Worcester Regional Chamber of Commerce, Worcester, MA

Michigan

Ann Arbor/Ypsilanti Regional Chamber, Ann Arbor,

MIDetroit Regional Chamber, Detroit, MI

Flint & Genesee Group, Flint, MI

Saginaw County Chamber of Commerce, Saginaw, MI

Minnesota

Minneapolis Regional Chamber, Minneapolis,  
MNSt. Paul Area Chamber, St. Paul, MN

Mississippi

Mississippi Gulf Coast Chamber of Commerce, Gulfport, MS

Missouri

Greater St. Louis, Inc., St. Louis, MO

Montana

Billings Chamber of Commerce, Billings, MT

Nebraska

Kearney Area Chamber of Commerce, Kearney, NE

Nevada

Carson City Chamber of Commerce, Carson City, NV  
Reno + Sparks Chamber of Commerce, Reno, NV  
Urban Chamber of Commerce, Las Vegas, NV

New Hampshire

Greater Concord Chamber of Commerce, Concord,  
NHGreater Manchester Chamber, Manchester, NH

New Jersey

Chamber of Commerce Southern New Jersey, Voorhees,  
NJGreater Elizabeth Chamber of Commerce, Elizabeth,  
NJ  
Middlesex County Regional Chamber of Commerce & Convention & Visitors Bureau,  
NewBrunswick, NJ  
Phillipsburg Area Chamber of Commerce, Phillipsburg, NJ  
Princeton Mercer Regional Chamber of Commerce, Princeton,  
NJSomerset County Business Partnership, Bridgewater, NJ  
Southern Ocean County Chamber of Commerce, Long Beach Island Region, NJ

New York

Tompkins County Chamber of Commerce, Ithaca,  
NYBrooklyn Chamber of Commerce, Brooklyn, NY  
Capital Region Chamber, Albany, NY  
Greater Rochester Chamber of Commerce, Rochester, NY

North Carolina

Boone Area Chamber of Commerce, Boone, NC  
Carolina Foothills Chamber of Commerce, Tryon,  
NC

Carteret County Chamber of Commerce, Morehead City,  
 NCGreensboro Chamber of Commerce, Greensboro, NC  
 Raleigh Chamber of Commerce, Raleigh, NC  
 The Chamber, Leading Business in Cabarrus, Concord, NC  
 Tyrrell County Chamber of Commerce, Columbia, NC  
 Wake Forest Area Chamber of Commerce, Wake Forest,  
 NC

#### Ohio

Cincinnati USA Regional Chamber, Cincinnati, OH

#### Oklahoma

Greater Oklahoma City Chamber, Oklahoma City, OK

#### Oregon

Portland Business Alliance, Portland, OR

#### Pennsylvania

Allentown Chamber of Commerce, Allentown, PA  
 Bethlehem Chamber of Commerce, Bethlehem, PA  
 East Penn Area Chamber of Commerce, Lehigh Valley,  
 PA Easton Area Chamber of Commerce, Easton, PA  
 Emmaus Main Street Partners, Emmaus, PA  
 Erie Regional Chamber & Growth Partnership, Erie,  
 PA Greater Bath Area Chamber of Commerce, Bath,  
 PA  
 Greater Lehigh Valley Chamber of Commerce, Lehigh Valley, PA  
 Greater Northern Lehigh Chamber of Commerce, Lehigh Valley,  
 PA Greater Pittsburgh Chamber of Commerce, Pittsburgh, PA  
 Hellertown-Lower Saucon Chamber of Commerce, Hellertown,  
 PA Nazareth Business Council, Nazareth, PA  
 Northampton Area Chamber of Commerce, Northampton,  
 PA Southern Lehigh Chamber of Commerce, Lehigh Valley,  
 PA Western Lehigh Chamber of Commerce, Lehigh Valley,  
 PA

#### Rhode Island

Greater Newport Chamber of Commerce, Newport, RI  
 Greater Providence Chamber of Commerce, Providence,  
 RI

#### South Carolina

Charleston Metro Chamber of Commerce, North Charleston,  
 SC Greater Columbia Chamber of Commerce, Columbia, SC  
 Hilton Head Island-Bluffton Chamber of Commerce, Hilton Head, SC

#### Tennessee

Chattanooga Area Chamber of Commerce, Chattanooga, TN

#### Texas

Greater Houston Partnership, Houston, TX  
 McAllen Chamber of Commerce, McAllen, TX  
 Rio Grande Valley Partnership, Weslaco, TX  
 San Antonio Chamber of Commerce, San Antonio, TX

#### Utah

Cache Valley Chamber of Commerce, Logan, UT

#### Virginia

Chamber of Commerce, Richmond, VA  
 Northern Virginia Chamber of Commerce, Tysons, VA  
 Mount Vernon Chamber of Commerce, Mount Vernon, VA

#### Washington

Seattle Metropolitan Chamber of Commerce, Seattle, WA  
 Thurston County Chamber of Commerce, Olympia, WA

#### West Virginia

Huntington Regional Chamber of Commerce, Huntington, WV  
 West Virginia Chamber of Commerce, Charleston, WV

#### Wisconsin

Envision Greater Fond du Lac, Fond du Lac, WI  
 Fox Cities Chamber of Commerce, Appleton, WI  
 Greater Madison Chamber of Commerce, Madison, WI

#### Wyoming

Greater Cheyenne Chamber of Commerce, Cheyenne, WY

## **LASTEST BIPARTISAN INFRASTRUCTURE DEAL - U. S. CHAMBER OF COMMERCE**

August 5, 2021

TO THE MEMBERS OF THE UNITED STATES CONGRESS:

The business community has been advocating for investment and modernization of America's infrastructure for over a decade and now is the time to act. Rebuilding America's infrastructure will create new jobs and spur economic growth, sustain the economy for the long-term, and improve the quality of life for every American.

We applaud the bipartisan group of Senators – led by Senators Portman and Sinema – who worked tirelessly to achieve agreement on this much-needed infrastructure proposal. America's productivity, global competitiveness and quality of life depend on all Members of Congress to make a durable commitment and outline a clear strategy that will invest in and modernize our crumbling roads, bridges, transit, rail, water and energy infrastructure, access to broadband, and more.

Enacting this bipartisan legislation will do just that, and we urge you to work with your colleagues on both sides of the aisle to see it across the finish line.

Businesses continue to pour their heart and soul into their communities and into the United States as a whole, providing well-paying jobs that spur economic growth and improving the quality of life for those in their community. Now, we need Congress to do their part and provide the investment needed to revitalize America's infrastructure so that businesses can continue to do their jobs efficiently and successfully.

Now is the time for action. We are counting on you to advance meaningful infrastructure legislation to help ensure our economy remains competitive and to improve the quality of life for all Americans.

Sincerely,

### **Alabama**

Chamber of Commerce of West Alabama  
Headland Area Chamber of Commerce  
Prattville Area Chamber of Commerce  
Selma and Dallas County Chamber of  
Commerce and Tourism Information

### **Alaska**

Alaska Chamber  
Anchorage Chamber of Commerce

### **Arizona**

Tucson Hispanic Chamber of Commerce  
Wickenburg Chamber of Commerce

### **Arkansas**

Chandler Chamber of Commerce  
Glendale Chamber of Commerce  
Greater Phoenix Chamber  
Kingman Area Chamber of Commerce  
Lake Havasu Area Chamber of  
Commerce  
Prescott Valley Chamber of Commerce  
Queen Creek Chamber of Commerce, Inc.  
Rim Country Regional Chamber of  
Commerce  
Sedona Chamber of Commerce &  
Tourism Bureau  
Springerville-Eagar Regional Chamber of  
Commerce.  
Tempe Chamber of Commerce  
  
AR State Chamber of Commerce/AIA  
Little Rock Regional Chamber



## **California**

Armenian American Chamber of  
 CommerceBay Area Council  
 California Chamber of Commerce  
 California Hispanic Chambers of  
 CommerceCambria Chamber of  
 Commerce  
 Chino Valley Chamber of  
 CommerceCompton Chamber  
 of Commerce Costa Mesa  
 Chamber of Commerce  
 El Dorado County Chamber of  
 CommerceEncinitas Chamber of  
 Commerce Fallbrook Chamber of  
 Commerce  
 Fremont Chamber of Commerce  
 Gateway Chambers Alliance  
 Greater Coachella Valley Chamber of Commerce  
 Greater Conejo Valley Chamber of Commerce  
 Greater Ontario Business Council  
 Greater Riverside Chambers of Commerce  
 Hawthorne Chamber of Commerce  
 Lake Elsinore Valley Chamber of Commerce  
 Lincoln Area Chamber of Commerce Livermore  
 Valley (CA) Chamber of CommerceLong Beach  
 Area Chamber of Commerce  
 Los Angeles Area Chamber of Commerce  
 Murrieta/Wildomar Chamber of Commerce  
 Norwalk Chamber of Commerce  
 Orange County Business Council  
 Oxnard Chamber of Commerce  
 Pasadena Chamber of Commerce Paso  
 Robles Chamber of Commerce  
 Pleasanton Chamber of Commerce  
 Rancho Cordova Area Chamber of Commerce  
 Sacramento Metropolitan Chamber of Commerce  
 San Francisco Chamber of Commerce  
 San Juan Capistrano Chamber of Commerce  
 San Marcos Chamber of Commerce  
 San Mateo Chamber of Commerce  
 San Pedro Chamber of Commerce

Torrance Area Chamber of  
 CommerceWhittier Area Chamber  
 of Commerce Yorba Linda Chamber  
 of Commerce

## **Colorado**

Aurora Chamber of Commerce  
 Fort Collins Area Chamber  
 Greater Woodland Park Chamber of Commerce  
 Northwest Douglas County Chamber & EDC Vail  
 Valley Partnership

## **Connecticut**

Greater New Britain Chamber of Commerce

## **Florida**

AMPLIFY Clearwater  
 Cedar Key Area Chamber of Commerce  
 Chamber of Commerce of the Palm Beaches  
 Coral Gables Chamber of Commerce Florida  
 Chamber of Commerce  
 Greater Boca Raton Chamber of Commerce Greater  
 Fort Lauderdale Chamber of CommerceGreater  
 Miami Chamber of Commerce  
 Greater Palm Bay Chamber of Commerce  
 Greater Zephyrhills Chamber of Commerce  
 Holly Hill Chamber of  
 CommerceJAX Chamber  
 Kissimmee/Osceola Chamber of  
 CommerceLakeland Chamber of  
 Commerce  
 Oviedo-Winter Springs Regional Chamber of  
 CommerceTampa Bay Chamber  
 The Islands of Sanibel-Captiva Chamber of  
 Commerce

## **Georgia**

Chattooga County Chamber of  
CommerceCobb Chamber of  
Commerce  
Dooly County Chamber of  
CommerceFayette Chamber of  
Commerce Georgia Chamber of  
Commerce

Georgia Hispanic Chamber of  
CommerceGwinnett Chamber of  
Commerce Milledgeville-Baldwin  
Chamber  
Newnan-Coweta Chamber  
Savannah Area Chamber of Commerce



April 8, 2022

U.S. Senator Richard C. Shelby  
304 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Shelby,

On behalf of the Mobile Chamber, I am writing to express my strong support for a requested appropriation for the Dauphin Island Sea Lab's Alabama Aquarium. The Alabama Legislature designated this aquarium the "Official Aquarium of Alabama" during the 2021 legislative session through HB136, which was sponsored by Representative Chip Brown and had the full support of the Mobile-Baldwin Legislative Delegation.

If an appropriation is granted to modernize this facility, the Alabama Aquarium could increase its annual visitor attendance and expand its educational program offerings to yield self-sustaining revenue streams that would allow for future exhibit investment and provide campus-wide educational support.

The Alabama Aquarium is one of the largest attractions for our state's coastal tourists. Modernizing the Alabama Aquarium would do much to strengthen DISL's impact to southwest Alabama's economy and tourism sector.

I respectfully ask that you give every consideration to this appropriation request.  
Sincerely,

A handwritten signature in blue ink, reading "Robert Chappelle", with a long horizontal flourish extending to the right.

Robert Chappelle  
Interim President and CEO  
Chief Operating Officer  
Mobile Chamber



April 8, 2022

U.S. Rep. Jerry L. Carl  
1330 Longworth Building  
Washington, DC 20515

Dear Congressman Carl,

On behalf of the Mobile Chamber, I am writing to express my strong support for a requested appropriation for the Dauphin Island Sea Lab's Alabama Aquarium. The Alabama Legislature designated this aquarium the "Official Aquarium of Alabama" during the 2021 legislative session through HB136, which was sponsored by Representative Chip Brown and had the full support of the Mobile-Baldwin Legislative Delegation.

If an appropriation is granted to modernize this facility, the Alabama Aquarium could increase its annual visitor attendance and expand its educational program offerings to yield self-sustaining revenue streams that would allow for future exhibit investment and provide campus-wide educational support.

The Alabama Aquarium is one of the largest attractions for our state's coastal tourists. Modernizing the Alabama Aquarium would do much to strengthen DISL's impact to southwest Alabama's economy and tourism sector.

I respectfully ask that you give every consideration to this appropriation request.

Sincerely,

A handwritten signature in blue ink, reading "Robert Chappelle", with a long horizontal flourish extending to the right.

Robert Chappelle  
Interim President and CEO  
Chief Operating Officer  
Mobile Chamber



April 20, 2022

Mr. John R. Cooper, Transportation Director  
Alabama Department of Transportation  
1701 I-65 West Service Road North  
Mobile, AL 36618

Attention: Matt Ericksen, P.E.

RE: Multimodal Project Discretionary Grant (MPDG) Opportunity Support  
SAFE 98 Project

Dear Mr. Cooper:

On behalf the Mobile Chamber and our 1,700 business members, representing 100,000 employees in the Mobile region, I am writing to support the Alabama Department of Transportation's INFRA Grant application through the U.S. Department of Transportation.

The SAFE 98 project is an important transportation infrastructure project that will improve mobility, safety, and efficiency along the US-98/SR-158 corridor in Mobile County in southwest Alabama.

Corridor studies identified needs and strategies to improve freight operations and mobility throughout the US-98 corridor, which connects three states. As the south Alabama region experiences tremendous growth, the SAFE 98 project is vital and will provide great benefits for citizens, travelers, and businesses, as well as regional commerce in one of the most congested areas of the state.

As a key stakeholder, and one who's 1,700 members will benefit greatly from the infrastructure improvements, the Mobile Chamber fully supports efforts to help fund and deliver this key infrastructure.

Should you have any questions regarding our endorsement, or if we can support the INFRA Grant application effort in any other way, please feel free to contact me at your convenience.

Thank you for your leadership in this important endeavor.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert L. Chappelle Jr.", written over the printed name.

Robert L. Chappelle Jr.  
Interim President and CEO  
Chief Operating Officer

May 3, 2022

Mr. John R. Cooper, Transportation Director  
Alabama Department of Transportation  
1701 I-65 West Service Road North  
Mobile, AL 36618

Attention: Matt Ericksen, P.E.

RE: MEGA Grant Application Support  
Mobile River Bridge and Bayway Project

Dear Mr. Cooper,

On behalf of the Mobile Chamber and our 1,700 business members, representing 100,000 employees in the Mobile region, I am writing to support the Alabama Department of Transportation's MEGA Grant application through the U.S. Department of Transportation.

The I-10 Mobile River Bridge and Bayway project is an important transportation infrastructure project that will improve mobility, safety, security, and efficiency along the I-10 corridor in Mobile and Baldwin Counties in Southwest Alabama.


Corridor studies identified needs and strategies to improve freight operations and mobility throughout the I-10 corridor, which connects eight states. The South Alabama region is experiencing tremendous growth – the Mobile River Bridge and Bayway project is vital and will provide great benefits for citizens, travelers, and businesses, as well as regional and interstate commerce.

As a key stakeholder, and one whose 1,700 members will benefit greatly from the infrastructure improvements, the Mobile Chamber fully supports efforts to help fund and deliver this key infrastructure.

Should you have any questions regarding our endorsement, or if we can support the MEGA Grant application effort in any other way, please feel free to contact me at your convenience.

Thank you for your leadership in this important endeavor.

Sincerely,



Robert L. Chappelle Jr.  
Interim President and CEO  
Chief Operating Officer

June 14, 2022

The Honorable Lauren McFerran  
Chair  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dear Chair McFerran:

The undersigned organizations write to express serious concerns with several issues coming before the National Labor Relations Board (NLRB or “the Board”). Specifically, we urge you to reject the legally-flawed arguments that the Board should impose card check organizing via case law and interfere with employer speech rights that are protected under the National Labor Relations Act (NLRA).

In a case called *Cemex*, the General Counsel (GC) has asked the Board to consider overturning long-standing precedent, and ignore Supreme Court decisions and the plain text of the NLRA. With regard to card check, the GC has asked the Board to revive the long-discredited *Joy Silk* doctrine. Under *Joy Silk*, if a union presented an employer with signature cards allegedly indicating interest by 50% +1 of workers in joining a union, the burden of proof would be on the employer to demonstrate why the cards were invalid. Short of satisfying what, in the eyes of the NLRB is likely to be a high bar, the employer would be compelled to recognize the cards and commence collective bargaining.

In two seminal Supreme Court cases, *Gissel Packing* and *Linden Lumber*, the Court rejected the concept of mandatory card check recognition. In fact, in the *Gissel* decision, the Court specifically stated that “secret ballot elections are generally the most satisfactory—indeed the preferred—method of ascertaining whether a union has majority support.” Moreover, Congress has repeatedly rejected efforts to amend the NLRA to impose card check, including the Employee Free Choice Act and the Protecting the Right to Organize Act.

With regard to employer speech, in *Cemex* the GC has asked the Board to find that mandatory staff meetings to discuss union issues are “inherently coercive” and to prohibit them. This completely disregards section 8(c) of the NLRA which states that “the expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.” Leaving aside potential Constitutional issues, this section of the Act was included in 1947 specifically to protect employer speech rights, and the Board and GC are not at liberty to disregard it.

These issues, should the Board agree with the GC's position, will have a real world impact on our member companies and make it far more difficult for them to manage their businesses. We urge you to reject the legally-flawed arguments put forward by the GC in *Cemex* and to maintain current law.

Thank you for your consideration.

cc: The Honorable Bobby Scott, Chairman, House Committee on Education and Labor  
 The Honorable Virginia Foxx, Ranking Member, House Committee on Education and Labor  
 The Honorable Patty Murray, Chair, Senate Committee on Health, Education, Labor & Pensions  
 The Honorable Richard Burr, Ranking Member, Senate Committee on Health, Education, Labor & Pensions

Signed:

U.S. Chamber of Commerce

**Alabama**

Enterprise Chamber of Commerce  
 Mobile Chamber  
 Opelika Chamber of Commerce  
 Prattville Area Chamber of Commerce  
 Shoals Chamber

**Alaska**

Haines Chamber of Commerce

**Arizona**

Apache Junction Area Chamber of Commerce  
 Chandler Chamber of Commerce  
 Glendale Chamber of Commerce  
 Greater Flagstaff Chamber of Commerce  
 Greater Oro Valley Chamber  
 Greater Phoenix Chamber  
 Green Valley Sahuarita Chamber of Commerce & Visitor Center  
 Lake Havasu Area Chamber of Commerce  
 Mesa Chamber of Commerce  
 Nogales-Santa Cruz County Chamber of Commerce  
 Scottsdale Area Chamber of Commerce  
 Sierra Vista Area Chamber of Commerce



Tempe Chamber of Commerce  
Tucson Metro Chamber

**Arkansas**

Arkansas State Chamber/AIA  
Little Rock Regional Chamber  
Rogers Lowell Area Chamber of Commerce

**California**

Brea Chamber of Commerce  
California Chamber of Commerce  
Carlsbad Chamber of Commerce  
Chino Valley Chamber of Commerce  
Fresno Chamber of Commerce  
Garden Grove Chamber of Commerce  
Gateway Chambers Alliance  
Greater Coachella Valley Chamber of Commerce  
Greater Conejo Valley Chamber of Commerce  
Greater Riverside Chambers of Commerce  
Laguna Niguel Chamber of Commerce  
Los Gatos Chamber of Commerce  
Modesto Chamber of Commerce  
Murrieta/Wildomar Chamber of Commerce  
Norwalk Chamber of Commerce  
Rancho Cordova Area Chamber of Commerce  
Rancho Mirage Chamber of Commerce  
Redondo Beach Chamber of Commerce  
Roseville Area Chamber of Commerce  
Sacramento Metropolitan Chamber of Commerce  
San Juan Capistrano Chamber of Commerce  
San Pedro Chamber of Commerce  
Santa Barbara South Coast Chamber of Commerce  
Santa Maria Valley Chamber of Commerce  
Simi Valley Chamber of Commerce  
South Bay Association of Chambers of Commerce

Tracy Chamber of Commerce  
Tulare Chamber of Commerce  
Valley Industry & Commerce Association  
West Ventura County Business Alliance

**Colorado**

Colorado Springs Chamber and EDC

Grand Junction Area Chamber of Commerce

**Delaware**

Delaware State Chamber of Commerce

**Florida**

Florida Chamber of Commerce

Greater Boca Raton Chamber of Commerce

Greater Zephyrhills Chamber of Commerce

The Osceola Chamber

**Georgia**

Georgia Chamber of Commerce

**Hawaii**

Maui Chamber of Commerce

**Idaho**

Boise Metro Chamber

Greater Idaho Falls Chamber of Commerce

Idaho Association of Commerce and Industry

Idaho Chamber Alliance

**Illinois**

Chicagoland Chamber of Commerce

Edwardsville/Glen Carbon Chamber of Commerce

GLMV Chamber Of Commerce

Illinois State Black Chamber of Commerce

Lombard Chamber of Commerce

Pekin Area Chamber of Commerce

Western DuPage Chamber of Commerce

**Indiana**

Greater Lawrence Chamber

Indiana Chamber of Commerce

South Bend Regional Chamber

**Iowa**

Council Bluffs Area Chamber of Commerce

Dubuque Area Chamber of Commerce

Iowa Association of Business and Industry

Mason City Chamber of Commerce

**Kansas**

Leavenworth-Lansing Area Chamber of Commerce  
Wichita Regional Chamber of Commerce

**Kentucky**

Commerce Lexington Inc.  
Greater Louisville Inc. - The Metro Chamber of Commerce  
Kentucky Chamber of Commerce

**Louisiana**

Central Louisiana Regional Chamber of Commerce  
Louisiana Association of Business and Industry

**Maine**

Maine State Chamber of Commerce

**Maryland**

Maryland Chamber of Commerce

**Michigan**

Greater Niles Chamber  
Lansing Regional Chamber of Commerce  
Michigan Chamber of Commerce

**Minnesota**

Austin Area Chamber of Commerce  
Minnesota Chamber of Commerce  
St. Cloud Area Chamber of Commerce

**Mississippi**

Mississippi Economic Council

**Missouri**

Liberty Area Chamber of Commerce  
Missouri Chamber of Commerce and Industry

**Montana**

Kalispell Chamber of Commerce  
Montana Chamber of Commerce

**Nebraska**

Kearney Area Chamber of Commerce  
Lincoln Chamber of Commerce

Nebraska Chamber of Commerce & Industry

**Nevada**

Henderson Chamber of Commerce

Vegas Chamber

White Pine Chamber of Commerce/Information Center

**New Hampshire**

Business and Industry Association of New Hampshire

**New Jersey**

New Jersey State Chamber of Commerce

**New Mexico**

Gallup McKinley County Chamber of Commerce

New Mexico Chamber of Commerce

**New York**

Buffalo Niagara Partnership

Capital Region Chamber

North Country Chamber of Commerce

The Business Council of New York State

**North Carolina**

North Carolina Chamber

**North Dakota**

Greater North Dakota Chamber

The Chamber Grand Forks / East Grand Forks

**Ohio**

Dayton Area Chamber of Commerce

Marian Area Chamber of Commerce

Ohio Chamber of Commerce

Reynoldsburg Chamber of Commerce

Solon Chamber of Commerce/Western Reserve Safety Council

Union County Chamber of Commerce

**Oklahoma**

Broken Arrow Chamber of Commerce

The State Chamber of Oklahoma

**Oregon**

Heppner Chamber of Commerce  
Oregon Business & Industry  
Oregon State Chamber of Commerce  
Salem Area Chamber of Commerce

**Pennsylvania**

Hanover Area Chamber of Commerce  
Pennsylvania Chamber of Business and Industry  
Schuylkill Chamber of Commerce  
Williamsport/Lycoming Chamber of Commerce

**Rhode Island**

Northern Rhode Island Chamber of Commerce

**South Carolina**

Hilton Head Island-Bluffton Chamber of Commerce  
South Carolina Chamber of Commerce  
Greater Sioux Falls Chamber of Commerce

**Tennessee**

Chattanooga Area Chamber of Commerce  
Tennessee Chamber of Commerce & Industry

**Texas**

Abilene Chamber of Commerce  
Central Fort Bend Chamber  
Greater Magnolia Parkway Chamber of Commerce  
Greater Waco Chamber of Commerce  
Ingleside Chamber of Commerce  
Longview Chamber of Commerce  
Nacogdoches County Chamber of Commerce  
Rowlett Area Chamber & Visitors Center  
San Antonio Chamber of Commerce  
Sherman Chamber of Commerce  
Texarkana Chamber of Commerce

**Utah**

Salt Lake Chamber  
South Salt Lake Chamber of Commerce

**Virginia**

Hopewell/Prince George Chamber of Commerce

Loudoun County Chamber of Commerce  
Virginia Chamber of Commerce

**Washington**

Greater Issaquah Chamber of Commerce  
Greater Yakima Chamber of Commerce  
Moses Lake Chamber of Commerce

**West Virginia**

Weirton Area Chamber of Commerce  
West Virginia Chamber of Commerce

**Wisconsin**

Greater Green Bay Chamber  
Oshkosh Chamber of Commerce  
Wisconsin Manufacturers & Commerce

**Wyoming**

Greater Cheyenne Chamber of Commerce

June 16, 2022

Ms. Emily Marsal  
Executive Director  
State Health Planning & Development Agency  
100 N. Union Street, Suite 870  
Montgomery, AL 36104

**Re: CON Application by USA Mobile County ASC, LLC for a Multi-Specialty Ambulatory Surgery Center**

Dear Ms. Marsal:

I am writing this letter to support USA Mobile County ASC, LLC's certificate of need ("CON") application to develop a multi-specialty ambulatory surgery center ("ASC") in Mobile County, Alabama. This project by an affiliate of the University of South Alabama Health System ("USA Health") will provide increased access and timely care to patients in need of outpatient surgical services. I am strongly in favor of increasing access to the world-class services offered by USA Health and offering a wide range of services on one campus in west Mobile County.

The health care campus site of the proposed ASC includes a freestanding emergency department as well as an independent diagnostic testing facility and a professional office building that is under development. The University of South Alabama is vital to the Mobile County community and surrounding areas. It has a significant economic impact both through its educational programs and through the health care services it offers. The economic impacts in Mobile County of USA Health extend not only to the direct services provided, but also it is attractive to potential employers looking to locate or expand in Mobile County. I am confident that USA Health's development of this ASC in west Mobile County will greatly benefit our local citizens and the Mobile County community, both economically and as a provider of world-class medical care that only an academic medical center can provide.

I have no doubt that USA Mobile County ASC, LLC's proposed multi-specialty ambulatory surgery center will be a significant asset to Mobile County. I fully support the proposed CON application to develop and operate the proposed multi-specialty ambulatory surgery center. I would appreciate your consideration and approval of the CON application and your continued support of the quality healthcare services provided by USA Health for residents of the State of Alabama. It is important as a State and as a vibrant health care community in South Alabama that we continue to strive to provide Alabama residents with better local access to quality health care services.

Best regards,



Bradley Byrne  
President and CEO

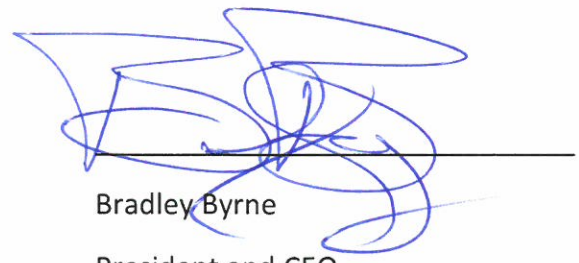
**SUPPORT FOR BISHOP STATE COMMUNITY COLLEGE IN THE SEARCH FOR A PERMANENT PRESIDENT**

- WHEREAS: Bishop State Community College is a state-supported, open-admission, urban community college that consists of four campuses, dedicated to serving the residents of Mobile and Washington counties; and
- WHEREAS: Workforce is the Number One problem facing Chamber members and businesses both here and nationwide, a problem that was exacerbated by the Covid pandemic; and
- WHEREAS: Bishop State Community College is an integral part of the workforce pipeline offering one- and two-year career programs that equip students with the skills and knowledge needed to successfully enter the workforce and thrive; and
- WHEREAS: Bishop State Community College instructors are in touch with labor-market trends and job requirements to ensure their students receive the education they need for success; and
- WHEREAS: Stable and effective leadership at Mobile County's only community college is critical to creating a steady stream of well-prepared workers which is vital to existing businesses and is essential to attracting new ones.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Mobile Chamber expresses its strong support for a permanent president of Bishop State Community College to be named as soon as possible and for long-term stability in the leadership there.

Done this 30<sup>th</sup> day of June 2022.

*Matt White*

Matt White  
Chairman of the Board of Directors  
Mobile Chamber



Bradley Byrne  
President and CEO  
Mobile Chamber



July 12, 2022

## **Mobile MPO Bridge Support**

Statement submitted by Bradley Byrne to the Mobile Metropolitan Planning Organization to include the I-10 Mobile River Bridge and Bayway Project on their 2045 Long Range Transportation Plan. (This statement was submitted through an online portal and limited to 1,000 characters).

*On behalf of the Mobile Chamber and 1,700 members, representing 100,000 employees, please support the I-10 Mobile River Bridge & Bayway Project. This is an important infrastructure project that will improve mobility, safety, security, and efficiency along the I-10 corridor in Mobile and Baldwin counties.*

*The current roadways offer the near daily reality of delays, stealing countless hours of work, personal & family time, & it is a black eye for our area in terms of how we are perceived by tourists.*

*This plan is not perfect but can be modified and further developed, to everyone's benefit, as it progresses. The first critical step is to get it back in the long-range plan and protect the Federal & State funds that are available only for a short window.*

*As a key stakeholder, whose members will benefit greatly, the Chamber fully supports efforts to help fund & deliver this key infrastructure. For the benefit of all in our region, please vote to place this project back in the plan.*

**COMMENDING REPRESENTATIVE VICTOR GASTON FOR 40 YEARS OF SERVICE  
IN THE ALABAMA LEGISLATURE**

WHEREAS: This year marks the end of Representative Victor Gaston's storied career in the Alabama State House. For 40 years, he has been a fixture in the State House working on behalf of Mobile and the state of Alabama; and

WHEREAS: Representative Gaston was first elected in 1982, and in 2010 his colleagues elected him speaker pro tem, a position he has held since that time. He later served as acting speaker of the House and earned widespread support for restoring faith and stability to his office during a difficult time in state history; and

WHEREAS: Victor Gaston was a career educator in Mobile County public schools and earned a doctorate in education from Auburn University; and

WHEREAS: Rep. Gaston sponsored several reform measures for Alabama's higher education system, a bill to double speeding fines in road construction zones, the Historic Rehabilitation Tax Credit that helped transform downtown Mobile and areas across the state, and bills to support the Alabama State Docks; and

WHEREAS: Rep. Gaston served on the powerful, agenda-setting House Rules Committee and the House Ways and Means General Fund Committee, which is tasked with appropriating roughly \$2.5 billion to non-education state agencies annually, and the Transportation, Utilities, and Infrastructure Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Mobile Chamber congratulates Rep. Victor Gaston on his retirement and commends him for his 40 years of public service and his dedication to improving Mobile and the state of Alabama.

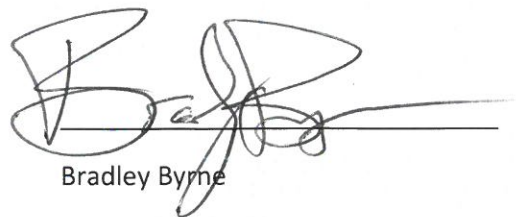
Done this 21<sup>st</sup> day of July 2022.



Matt White

Chairman of the Board of Directors

Mobile Chamber



Bradley Byrne

President and CEO

Mobile Chamber

## Inflation Reduction Act

To the Members of the United States Congress:

The undersigned chambers of commerce and business organizations from across the United States urge you to oppose the Inflation Reduction Act of 2022. This legislation includes taxes that would discourage investment and undermine economic growth and price controls that would limit American innovation. Despite the name of the bill, independent analysis confirms that it would have little to no impact on inflation and may in fact increase inflationary pressure in the near-term.

While we understand that various elements of the legislation are being updated, we continue to believe that the following provisions make this legislation unworkable:

- Enacting the proposed Corporate Book Minimum Tax would be the antithesis of sound tax policy and administration. Its introduction would be neither simple nor administrable and would pose a competitive disadvantage to U.S.-headquartered businesses while increasing the incidence of unrelieved double taxation. It would also have a detrimental effect on the quality of financial reporting.
- The excise tax on stock buybacks would only distort the efficient movement of capital to where it can be put to best use and diminish the value of Americans' retirement savings.
- New price controls on pharmaceuticals would significantly reduce private sector investment in new research. Not only would this provision reduce jobs and hurt the economy, but the non-partisan Congressional Budget Office predicts that it will stifle the introduction of 15 new drugs over the next 30 years.

This is the absolute wrong time to increase taxes on American job creators or implement price controls on American innovators. We urge Congress to reject this misguided legislative package.

Sincerely,

### **National**

American Exploration and Production  
Council  
Associated Wire Rope Fabricators  
Brick Industry Association  
Decorative Hardwoods Association  
Foodservice Equipment Distributors  
Association  
International Sign Association  
Korean American Chamber of Commerce

National Black Chamber of Commerce  
National Independent Automobile Dealers  
Association  
National Lumber & Building Material  
Dealers Association  
North American Association of Food  
Equipment Manufacturers  
National Waste & Recycling Association  
Slavic-American Chamber of Commerce  
Small Business & Entrepreneurship Council

U.S. Chamber of Commerce  
 U.S. Minority Chamber of Commerce  
 Water and Wastewater Equipment  
 Manufacturers Association

### **Alabama**

Business Council of Alabama  
 Mobile Area Chamber of Commerce  
 Opelika Chamber of Commerce  
 Prattville Area Chamber of Commerce  
 Selma and Dallas County Chamber of  
 Commerce and Tourism Information

### **Alaska**

Alaska Chamber  
 Greater Haines Chamber of Commerce

### **Arizona**

Apache Junction Area Chamber of  
 Commerce  
 Arizona Chamber of Commerce & Industry  
 Arizona Manufacturers Council  
 Buckeye Valley Chamber of Commerce  
 Carefree Cave Creek Chamber of  
 Commerce  
 Chandler Chamber of Commerce  
 Gilbert Chamber of Commerce  
 Greater Flagstaff Chamber of Commerce  
 Greater Phoenix Chamber  
 Green Valley Sahuarita Chamber of  
 Commerce & Visitor Center  
 Lake Havasu Area Chamber of Commerce  
 Mesa Chamber of Commerce  
 Queen Creek Chamber of Commerce  
 Tempe Chamber of Commerce

### **Arkansas**

Arkansas State Chamber of Commerce and  
 Associated Industries of Arkansas  
 Little Rock Regional Chamber of  
 Commerce

### **California**

Anaheim Chamber of Commerce  
 Antelope Valley Chamber of Commerce  
 Brea Chamber of Commerce  
 Buellton Chamber of Commerce  
 Carlsbad Chamber of Commerce  
 Chino Valley Chamber of Commerce  
 Coalition of California Chambers Orange  
 County  
 El Dorado County Chamber of Commerce  
 Garden Grove Chamber of Commerce  
 Gateway Chambers Alliance  
 Greater Bakersfield Chamber  
 Greater Conejo Valley Chamber of  
 Commerce  
 Greater Grass Valley Chamber of  
 Commerce  
 La Canada Flintridge Chamber of  
 Commerce  
 Laguna Niguel Chamber of Commerce  
 Lincoln Area Chamber of Commerce  
 Long Beach Area Chamber of Commerce  
 North San Diego Business Chamber  
 Oceanside Chamber of Commerce  
 Palm Desert Area Chamber of Commerce  
 Palos Verdes Peninsula Chamber of  
 Commerce  
 Pomona Chamber of Commerce  
 Redondo Beach Chamber of Commerce  
 San Juan Capistrano Chamber of Commerce  
 San Marcos Chamber of Commerce  
 San Pedro Chamber of Commerce  
 San Ramon Chamber of Commerce  
 Santa Barbara South Coast Chamber of  
 Commerce  
 Simi Valley Chamber of Commerce  
 South Bay Association of Chambers of  
 Commerce  
 Torrance Area Chamber of Commerce  
 Tulare Chamber of Commerce  
 West Ventura County Business Alliance

**Colorado**

Colorado Chamber of Commerce

**District of Columbia**

Greater Washington Hispanic Chamber of  
Commerce

**Florida**

Cocoa Beach Regional Chamber of  
Commerce  
Coral Gables Chamber of Commerce  
Daytona Regional Chamber of Commerce  
Englewood Florida Chamber of Commerce  
Florida Chamber of Commerce  
North Tampa Bay Chamber  
The Osceola Chamber

**Georgia**

Barrow County Chamber of Commerce, Inc.  
Georgia Chamber of Commerce  
Greene County Chamber of Commerce  
Gwinnett Chamber of Commerce

**Idaho**

Greater Idaho Falls Chamber of Commerce  
Idaho Association of Commerce and  
Industry  
Pocatello-Chubbuck Chamber of Commerce

**Illinois**

Chamber630  
Chicagoland Chamber of Commerce  
GLMV Chamber of Commerce  
Illinois Chamber of Commerce  
Illinois State Black Chamber of Commerce  
Joliet Region Chamber of Commerce &  
Industry  
Lombard Area Chamber of Commerce  
Manteno Chamber of Commerce  
Naperville Area Chamber of Commerce

Quad Cities Chamber of Commerce  
The Greater Springfield Chamber of  
Commerce  
Western DuPage Chamber of Commerce  
Winnetka-Northfield-Glencoe Chamber of  
Commerce

**Indiana**

Greater Lawrence Chamber  
Indiana Chamber of Commerce  
South Bend Regional Chamber  
Wayne County Area Chamber of Commerce

**Iowa**

Council Bluffs Area Chamber of Commerce  
Greater Burlington Partnership  
Iowa Association of Business and Industry  
Mason City Chamber of Commerce

**Kansas**

Wichita Regional Chamber of Commerce

**Kentucky**

Greater Louisville Inc. - The Metro  
Chamber of Commerce  
Kentucky Chamber of Commerce  
Northern Kentucky Chamber of Commerce  
Union County (KY) Chamber of Commerce

**Louisiana**

Bossier Chamber of Commerce  
Central Louisiana Regional Chamber of  
Commerce

**Maryland**

Central Maryland Chamber of Commerce  
Frederick County Chamber of Commerce  
Greater Severna Park and Arnold Chamber  
of Commerce  
Howard County Chamber

Maryland Chamber of Commerce  
 Salisbury Area Chamber of Commerce  
 Washington County Chamber of Commerce

### **Michigan**

Battle Creek Area Chamber of Commerce  
 Greater Romeo Washington Chamber of  
 Commerce  
 Holly Area Chamber of Commerce  
 Lake Gogebic Area Chamber of Commerce  
 Lansing Regional Chamber of Commerce  
 Michigan Chamber of Commerce  
 Southwest Michigan Regional Chamber

### **Minnesota**

Alexandria Lakes Area Chamber of  
 Commerce  
 Cottage Grove Area Chamber of Commerce  
 Greater Stillwater Chamber of Commerce  
 Marshall Area Chamber of Commerce  
 Minnesota Chamber of Commerce  
 Shakopee Chamber and Visitors Bureau  
 St. Cloud Area Chamber of Commerce  
 White Bear Area Chamber of Commerce  
 Willmar Lakes Area Chamber of Commerce  
 Winona Area Chamber of Commerce

### **Mississippi**

Mississippi Economic Council

### **Missouri**

Kearney Chamber of Commerce  
 Missouri Chamber of Commerce and  
 Industry

### **Montana**

Billings Chamber of Commerce  
 Great Falls Area Chamber of Commerce  
 Kalispell Chamber of Commerce  
 Montana Chamber of Commerce  
 Whitefish Chamber of Commerce

### **Nebraska**

Fremont Area Chamber of Commerce  
 Lincoln Chamber of Commerce  
 Nebraska Chamber of Commerce &  
 Industry

### **New Hampshire**

Greater Nashua Chamber of Commerce

### **New Jersey**

New Jersey Chamber of Commerce

### **New Mexico**

Gallup McKinley County Chamber  
 Hobbs Chamber of Commerce

### **New York**

The Business Council of New York State,  
 Inc.

### **Nevada**

Carson City Chamber of Commerce  
 Henderson Chamber of Commerce  
 Mesquite Chamber of Commerce  
 Retail Association of Nevada  
 Vegas Chamber  
 White Pine Chamber of  
 Commerce/Information Center

### **North Carolina**

Blowing Rock Chamber of Commerce  
 NC Chamber

### **North Dakota**

Fargo Moorhead West Fargo Chamber of  
 Commerce  
 Greater North Dakota Chamber  
 The Chamber Grand Forks / East Grand  
 Forks

Williston Area Chamber of Commerce

### **Ohio**

Lima Allen County Chamber of Commerce  
 Marion Area Chamber of Commerce  
 Ohio Chamber of Commerce  
 Shawnee Hills Area Chamber of Commerce  
 Union County (OH) Chamber of Commerce  
 Willoughby Western Lake County Chamber  
 of Commerce

### **Oklahoma**

Edmond Chamber of Commerce  
 The State Chamber of Oklahoma  
 Tulsa Regional Chamber

### **Oregon**

North Clackamas County Chamber of  
 Commerce  
 Oregon State Chamber

### **Pennsylvania**

Associated Builders and Contractors of  
 Western PA  
 Blair County Chamber of Commerce  
 Chester County Chamber of Business and  
 Industry  
 Clarion Area Chamber of Business &  
 Industry  
 Greater Chambersburg Chamber of  
 Commerce  
 Greater DuBois Chamber of Commerce  
 Greater Reading Chamber Alliance  
 Hanover Area Chamber of Commerce  
 Harrisburg Regional Chamber  
 Indian Valley Chamber of Commerce  
 Juniata River Valley Chamber of Commerce  
 Mechanicsburg Chamber of Commerce  
 Pennsylvania Chamber of Business and  
 Industry  
 Pennsylvania Food Merchants Association  
 Schuylkill Chamber of Commerce

### **Rhode Island**

Northern Rhode Island Chamber of  
 Commerce

### **South Carolina**

Anderson Area Chamber of Commerce  
 Greater Hartsville Chamber of Commerce  
 Greenville Chamber  
 OneSpartanburg, Inc.  
 South Carolina Chamber of Commerce

### **South Dakota**

Greater Sioux Falls Chamber of Commerce

### **Tennessee**

Chattanooga Area Chamber of Commerce  
 Johnson City Chamber of Commerce  
 Sevierville Chamber of Commerce  
 Tennessee Chamber of Commerce and  
 Industry

### **Texas**

Central Fort Bend Chamber  
 Clifton Chamber of Commerce  
 Deer Park Chamber of Commerce  
 Del Rio Chamber of Commerce  
 Desoto Chamber of Commerce  
 Greater Austin Asian Chamber of  
 Commerce  
 Greater Magnolia Parkway Chamber of  
 Commerce  
 Greater Pharr Chamber of Commerce  
 Longview Chamber of Commerce  
 Lubbock Chamber of Commerce  
 Portland Chamber of Commerce  
 Round Rock Chamber  
 Rowlett Area Chamber & Visitors Center  
 South Padre Island Chamber of Commerce  
 Terrell Chamber of Commerce  
 Texarkana USA Regional Chamber of  
 Commerce

Texas Association of Business  
 The Mansfield Area Chamber of Commerce  
 Weslaco Area Chamber of Commerce

### **Utah**

Davis Chamber of Commerce  
 Point of the Mountain Chamber of  
 Commerce  
 Salt Lake Chamber  
 South Valley Chamber of Commerce  
 The Payson Santaquin Area of Chamber of  
 Commerce

### **Virginia**

Central Fairfax Chamber of Commerce  
 Chesterfield Chamber of Commerce  
 Clarksville Lake Country Chamber of  
 Commerce  
 Loudoun County Chamber of Commerce  
 Lynchburg Regional Business Alliance  
 Virginia Chamber of Commerce  
 Virginia Hispanic Chamber of Commerce

### **Washington**

Auburn Area Chamber of Commerce  
 Greater Yakima Chamber of Commerce  
 Moses Lake Chamber of Commerce  
 Pasco Chamber of Commerce  
 Puyallup Sumner Chamber of Commerce  
 Shelton-Mason County Chamber  
 Washington Retail Association

### **Wisconsin**

Eau Claire Area Chamber of Commerce  
 Greater Green Bay Chamber  
 Mosinee Area Chamber of Commerce  
 Oshkosh Chamber of Commerce  
 Greater Wausau Chamber of Commerce  
 Wisconsin Manufacturers and Commerce

### **Wyoming**

Casper Area Chamber of Commerce  
 Greater Cheyenne Chamber of Commerce  
 Wyoming State Chamber of Commerce



## Rail Labor

November 28, 2022

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

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

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, DC 20515

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

Dear Speaker Pelosi, Majority Leader Schumer, and Republican Leaders McConnell and McCarthy:

We write you today on a matter of grave urgency. Once again, the United States is facing the threat of a major rail strike between the major freight railroads and 12 labor unions, the second such time in less than three months. A stoppage of rail service for any duration would be extremely damaging to American families and our economy, costing \$2 billion dollars per day.<sup>1</sup> As provided for under federal law and consistent with past practice, Congress must be prepared to intervene before the end of the current “status quo” period on December 9 to ensure continued rail service should railroads and four unions fail to reach a voluntary agreement. A strike by any one union would assuredly result in a stoppage of national rail service.

While the recent decision to have all four unions align the end of their “status quo” to December 9 is good, in reality the decision is hardly helpful. Many businesses and communities rely on regular, uninterrupted rail service. The uncertainty of rail service during this year’s protracted contract negotiations has created enormous anxiety.<sup>2</sup> In September, the mere possibility of a rail service stoppage created significant disruptions to the timely delivery of critical goods and products. The freight railroads must safely reduce operations and secure their customers’ goods days in advance of a potential strike, meaning businesses and communities saw interruptions in the delivery of fertilizers, chlorine, and other products essential to clean water, our food supply, and electricity generation. Many businesses will see the impacts of a national rail strike well before December 9 – through service disruptions and other impacts potentially as early as December 5.<sup>3</sup> The sooner this labor impasse ends, the better for our communities and our national economy.

A potential rail strike only adds to the headwinds facing the U.S. economy. A rail stoppage would immediately lead to supply shortages and higher prices. The cessation of Amtrak and commuter rail services would disrupt up to 7 million travelers a day. Many businesses would

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<sup>1</sup> Association of American Railroads, “The Economic Impact of a Railroad Shutdown,” September 2022, <https://www.aar.org/wp-content/uploads/2022/09/AAR-Rail-Shutdown-Report-September-2022.pdf>

<sup>2</sup> AP News, “Rail strike worry prompts businesses to seek WH intervention,” by Josh Funk, October 27, 2022, <https://apnews.com/article/biden-business-economy-congress-government-and-politics-6b60d53f7b85f301b0a3e7011715b>

<sup>3</sup> Association of American Railroads, “Railroad Suspension of Operations” November 2022, <https://www.aar.org/wp-content/uploads/2022/11/AAR-Railroad-Suspension-of-Operations-Fact-Sheet.pdf>

see their sales disrupted right in the middle of the critical holiday shopping season. Even a short-term rail strike would have enormous impacts. The American agricultural community could see disruptions in transporting 6,300 carloads of food and farm products that are carried by rail daily. It would also halt the delivery of key chemicals necessary to our communities including chlorine, which is necessary for effective water and wastewater treatment operations. In many cases, businesses and communities rely on regular rail service and may not have significant reserves, even in the event of a short-term strike.

No one wins when the railroads stop running. Congress recognized their necessity to interstate commerce and America's economic health with the passage of the Railway Labor Act and past congressional interventions in rail labor disputes when other steps fail. Indeed, Congress has intervened 18 times since 1926 in labor negotiations that threaten interstate commerce and there is no reason why Congress should deviate from this record today. While a voluntary agreement with the four holdout unions is the best outcome, the risks to America's economy and communities simply make a national rail strike unacceptable. Therefore, absent a voluntary agreement, we call on you to take immediate steps to prevent a national rail strike and the certain economic destruction that would follow.

Thank you for your time and attention.

Sincerely,

Agribusiness Association of Iowa  
 AgriBusiness Association of Kentucky  
 Agricultural & Food Transporters Conference of ATA  
 Agricultural Retailers Association  
 Agriculture Transportation Coalition  
 Air-Conditioning, Heating, and Refrigeration Institute  
 Airforwarders Association  
 Alameda Chamber & Economic Alliance  
 Albany Area Chamber  
 Alliance for Automotive Innovation  
 Alliance of Wisconsin Retailers  
 Aluminum Association  
 American Apparel & Footwear Association (AAFA)  
 American Association of Port Authorities  
 American Bakers Association  
 American Beverage Association  
 American Bridal and Prom Industry Association  
 American Building Materials Alliance (ABMA)  
 American Chemistry Council  
 American Coatings Association, Inc.  
 American Composites Manufacturers Association  
 American Cotton Producers  
 American Cotton Shippers Association  
 American Down and Feather Council

American Exploration & Production Council  
American Farm Bureau Federation  
American Feed Industry Association  
American Forest & Paper Association  
American Foundry Society  
American Frozen Foods Institute  
American Home Furnishings Alliance  
American International Automobile Dealers Association  
American Lighting Association  
American Petroleum Institute  
American Pyrotechnics Association  
American Spice Trade Association  
American Trucking Associations  
Antelope Valley Chambers of Commerce  
Apache Junction Area Chamber of Commerce  
Arizona Beverage Association  
Arizona Chamber of Commerce & Industry  
Arizona Trucking Association  
Arkansas Grocers and Retail Merchants  
Arkansas State Chamber of Commerce/AIA  
Associated Builders and Contractors  
Associated Equipment Distributors  
Associated General Contractors of America  
Association of Equipment Manufacturers (AEM)  
Association of Metropolitan Water Agencies  
Athens Area Chamber of Commerce  
Auburn Area Chamber of Commerce  
Auto Care Association  
Autos Drive America  
Beer Institute  
Billings Chamber of Commerce  
Blount County Chamber of Commerce  
Border Trade Alliance  
Brea Chamber of Commerce  
Brick Industry Association  
Buckeye Valley Chamber of Commerce  
Bullhead Area Chamber of Commerce  
Burlington Chamber of Commerce  
Business Council of Alabama  
Cache Valley Chamber of Commerce  
California Alfalfa and Forage Association  
California Association of Wheat Growers  
California Building Industry Association  
California Business Properties Association (CBPA)  
California Business Roundtable  
California Chamber of Commerce

California Farm Bureau  
California Grain and Feed Association  
California Retailers Association  
California Seed Association  
California Trucking Association  
California Warehouse Association  
Can Manufacturers Institute  
Carlisle Area Chamber of Commerce  
Carlsbad Chamber of Commerce  
Carolina Feed Industry Association  
Carson City Chamber of Commerce  
CAWA - Representing the Automotive Parts Industry  
Central Fairfax Chamber of Commerce  
Chamber of Commerce Hawaii  
Chandler Chamber of Commerce  
Chehalem Valley Chamber of Commerce  
Chino Valley Chamber of Commerce  
Coalition of California Chambers Orange County  
Coalition of New England Companies for Trade  
Coastal Agricultural Supply, Inc.  
Color Pigments Manufacturers Association  
Colorado Motor Carriers Association  
Columbia Montour Chamber of Commerce  
Columbia River Customs Brokers and Forwarders Association  
Concrete Reinforcing Steel Institute  
Consumer Brands Association  
Consumer Technology Association  
Convenience Distribution Association  
Corn Refiners Association  
Corvallis Chamber of Commerce  
Council Bluffs Area Chamber of Commerce  
Council for Responsible Nutrition  
Council of Fashion Designers of America  
Council of Supply Chain Management Professionals  
Covington Chamber of Commerce  
CropLife America  
Customs Brokers and Forwarders Association of Northern California  
Customs Brokers and International Freight Forwarders Association of Washington State  
Danville Area Chamber of Commerce  
Distilled Spirits Council of the United States  
Donalsonville Seminole County Chamber of Commerce and Development Authority of  
Seminole County  
Dubuque Area Chamber of Commerce  
Effingham County Chamber of Commerce  
El Paso Hispanic Chamber  
Fashion and Accessories Shippers Association

Fashion Jewelry and Accessories Trade Association  
Flexible Packaging Association  
Florida Feed Association, Inc.  
Florida Retail Federation  
Florida Trucking Association  
FMI - The Food Industry Association  
Foodservice Equipment Distributors Association  
Footwear Distributors & Retailers of America (FDRA)  
Forest Resources Association  
Fountain Valley Chamber of Commerce  
Freight Rail Customer Alliance  
Fresh Produce Association of the Americas  
Fresno Chamber of Commerce  
Gallup McKinley County Chamber of Commerce  
Garden Grove Chamber of Commerce  
Gardner Chamber of Commerce  
Gateway Chambers Alliance  
Gemini Shippers Association  
Georgia Beverage Association  
Georgia Chamber of Commerce  
Georgia Motor Trucking Association  
Gilbert Chamber of Commerce  
Glass Packaging Institute  
Glendale Chamber of Commerce  
Glendora Chamber of Commerce  
Global Cold Chain Alliance  
Grain and Feed Association of Illinois  
Grand Rapids Area Chamber of Commerce  
Greater Bakersfield Chamber  
Greater Boston Chamber of Commerce  
Greater Des Moines Partnership  
Greater Escondido Chamber of Commerce  
Greater Fairbanks Chamber of Commerce  
Greater Flagstaff Chamber of Commerce  
Greater Gainesville Chamber  
Greater Lake Stevens Chamber of Commerce  
Greater Magnolia Parkway Chamber of Commerce  
Greater North Dakota Chamber  
Greater Oklahoma City Chamber  
Greater Ontario Business Council  
Greater Phoenix Chamber  
Greater Riverside Chambers of Commerce  
Greater Scranton Chamber of Commerce  
Greater Shreveport Chamber  
Greater Spokane Incorporated  
Greater Springfield Chamber of Commerce

Greater Yakima Chamber of Commerce  
Green Coffee Association, Inc.  
Green Valley Sahuarita Chamber of Commerce  
Growth Energy  
GWACC Chamber of Commerce  
Hampton Roads Chamber of Commerce  
Hanover Area Chamber of Commerce  
Harbor Association of Industry and Commerce  
Harbor Trucking Association  
Hardwood Federation  
Harrison Regional Chamber of Commerce  
Hawthorne Chamber of Commerce  
Health Industry Distributors Association  
Henderson Chamber of Commerce  
Hilton Head Island-Bluffton Chamber of Commerce  
Home Fashion Products Association  
Hospitality Minnesota  
IAPD - The Performance Plastics Association  
Idaho Trucking Association  
Illinois Retail Merchants Association  
Indiana Chamber of Commerce  
Indiana Motor Truck Association  
Inland Empire Economic Partnership  
Institute of Makers of Explosives  
Institute of Shortening and Edible Oils  
Intermodal Association of North America  
International Association of Movers  
International Bottled Water Association  
International Council of Shopping Centers (ICSC)  
International Dairy Foods Association  
International Foodservice Distributors Association  
International Franchise Association  
International Fresh Produce Association  
International Housewares Association  
International Wood Products Association  
Iowa Association of Business and Industry  
Iowa Motor Truck Association  
IWLA (International Warehouse Logistics Association)  
Jerome Chamber of Commerce  
Kalispell Chamber of Commerce  
Kansas Agribusiness Retailers Association  
Kansas Grain and Feed Association  
Kansas Motor Carriers Association  
Kentucky Grocers and Convenience Store Association  
Kentucky Propane Gas Association  
Kentucky Retail Federation

Kentucky Trucking Association  
Leather and Hide Council of America  
Lincoln City Chamber of Commerce  
Little Rock Regional Chamber  
Long Beach Area Chamber of Commerce  
Longview Chamber of Commerce  
Los Angeles Area Chamber of Commerce  
Los Angeles County Business Federation  
Los Angeles Customs Brokers and Forwarders Association  
Los Angeles Customs Brokers and Freight Forwarders Association  
Loudoun County Chamber of Commerce  
Louisiana Chamber of Commerce  
Lynchburg Regional Business Alliance  
Maryland Chamber of Commerce  
Maryland Motor Truck Association  
Maryland Retailers Association  
Mason City Chamber of Commerce  
Meat Import Council of America  
Mesa Chamber of Commerce  
Metals Service Center Institute  
Methanol Institute  
Metro South Chamber of Commerce  
Michigan Agri-Business Association  
Michigan Chemistry Council  
Michigan Retailers Association  
Michigan Trucking Association  
Minneapolis Regional Chamber  
Minnesota Chamber of Commerce  
Minnesota Grain and Feed Association  
Minnesota Soybean Growers Association  
Mississippi Economic Council - the State Chamber  
Mississippi Retail & Grocers Association  
Missouri Chamber of Commerce and Industry  
Missouri Retailers Association  
Mobile Chamber  
Montana Chamber of Commerce  
Montana Retail Association  
Montana Trucking Association  
Moore County Chamber of Commerce  
Moses Lake Chamber of Commerce  
Motorcycle Industry Council  
Nacogdoches County Chamber of Commerce  
Naperville Area Chamber of Commerce  
National Association of Chemical Distributors  
National Association of Egg Farmers  
National Association of Flour Distributors (NAFD)

National Association of Home Builders  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Cattlemen's Beef Association  
National Chicken Council  
National Confectioners Association  
National Cotton Council  
National Cotton Ginners Association  
National Council of Farmer Cooperatives  
National Customs Brokers and Forwarders Association of America  
National Electrical Manufacturers Association (NEMA)  
National Fisheries Institute  
National Grain and Feed Association  
National Independent Automobile Dealers Association (NIADA)  
National Industrial Transportation League  
National Lumber & Building Material Dealers Association  
National Marine Manufacturers Association  
National Milk Producers Federation  
National Mining Association  
National Oilseed Processors Association  
National Pork Producers Council  
National Restaurant Association  
National Retail Federation  
National Sporting Goods Association  
National Stone, Sand and Gravel Association  
National Waste & Recycling Association  
National Wooden Pallet & Container Association  
Natural Products Association  
NC Chamber  
Nebraska Cooperative Council  
Nebraska Trucking Association  
Nevada Trucking Association  
New Hampshire Retail Association  
New Jersey Motor Truck Association  
New Jersey Retail Merchants Association  
New Jersey State Chamber of Commerce  
New Mexico Chamber of Commerce  
New York New Jersey Foreign Freight Forwarders and Brokers Association  
Nogales-Santa Cruz Chamber Commerce  
North American Association of Food Equipment Manufacturers (NAFEM)  
North American Association of Utility Distributors (NAAUD)  
North American Home Furnishings Association  
North American Meat Institute  
North American Millers' Association  
North American Renderers Association  
North Bay Leadership Council



North Carolina Agribusiness Council, Inc  
North Carolina Retail Merchants Association  
North Country Chamber of Commerce  
North Dakota Grain Growers Association  
North Dakota Motor Carriers Association  
Northeast Agribusiness and Feed Alliance  
Northern Kentucky Chamber of Commerce  
Northwest Horticultural Council  
Norwalk Chamber of Commerce  
Oceanside Chamber of Commerce  
Ohio AgriBusiness Association  
Ohio Council of Retail Merchants  
Ohio Trucking Association  
Orange County Business Council  
Oregon Business & Industry  
Oregon Trucking Association  
Outdoor Power Equipment Institute  
Overland Park Chamber of Commerce  
Pacific Coast Council of Customs Brokers and Freight Forwarders Association  
Pacific Egg and Poultry Association  
Pacific Northwest Grain & Feed Association  
Pacific Seed Association  
Palm Desert Area Chamber of Commerce  
Pasadena Chamber of Commerce  
Pasco Chamber of Commerce  
Payson Santaquin Area Chamber of Commerce  
Peanut and Tree Nut Processors Association (PTNPA)  
Pennsylvania Chamber of Business and Industry  
Pennsylvania Motor Truck Association  
Pennsylvania Retailers' Association  
Peoria Chamber of Commerce  
Pet Advocacy Network  
Phoenix Feeds and Nutrition  
Plumbing Manufacturers International  
Point of the Mountain Chamber of Commerce  
Portland Cement Association  
PRINTING United Alliance  
Promotional Products Association International (PPAI)  
Queen Creek Chamber of Commerce  
Queens Chamber of Commerce  
Rail Supply Institute  
Railway Supply Institute  
Railway Systems Suppliers, Inc  
Railway Tie Association  
Recreational Off-Highway Vehicle Association  
Renew Kansas Biofuels Association

Renewable Fuels Association  
Reno + Sparks Chamber of Commerce  
Renton Chamber of Commerce  
Retail Association of Maine  
Retail Council of New York State  
Retail Industry Leaders Association  
Retail Merchants of Hawaii  
Retailers Association of Massachusetts  
Rhode Island Trucking Association, Inc.  
Riverton Chamber and Visitor's Center  
Roseville Area Chamber of Commerce  
RV Industry Association  
Sacramento Metro Chamber  
Salt Lake Chamber  
San Diego Customs Brokers Association  
San Gabriel Valley Economic Partnership  
San Jose Chamber of Commerce  
San Pedro Chamber of Commerce  
Santa Barbara South Coast Chamber of Commerce  
Santa Clarita Valley Chamber of Commerce  
SC Timber Producers Association  
SC Trucking Association  
Schuylkill Chamber of Commerce  
Scottsdale Area Chamber of Commerce  
Seattle Southside Chamber of Commerce  
Seguin Area Chamber of Commerce  
Shippers Coalition  
Sierra Vista Area Chamber of Commerce  
Simi Valley Chamber of Commerce  
SNAC International  
Society of Chemical Manufacturers & Affiliates  
South Bay Association of Chambers of Commerce  
South Carolina Chamber of Commerce  
South Carolina Restaurant and Lodging Association  
South Carolina Retail Association  
South Carolina Trucking Association  
South Dakota Agri-Business Association  
South Dakota Association of Cooperatives  
South Dakota Soybean Association  
South Kitsap Chamber of Commerce  
South Salt Lake Chamber  
South Valley Chamber of Commerce  
Southeastern Grain & Feed Association  
Southern California Leadership Council  
Southwest Valley Chamber of Commerce  
Specialty Equipment Market Association

Specialty Vehicle Institute of America  
Sports & Fitness Industry Association (SFIA)  
Spring Hill Chamber of Commerce  
St. Charles Regional Chamber  
St. George Area Chamber of Commerce  
State Chamber of Oklahoma  
Surprise Regional Chamber of Commerce  
Tag and Label Manufacturers Institute  
Tea Association of the U.S.A., Inc.  
Tennessee Trucking Association  
Texarkana USA Regional Chamber of Commerce  
Texas Ag Industries Association  
Texas Association of Business  
Texas Business Leadership Council  
Texas Grain and Feed Association  
Texas Trucking Association  
The Fertilizer Institute  
The Sulphur Institute  
The Toy Association  
Thurston County Chamber  
Torrance Area Chamber of Commerce  
Transportation Intermediaries Association (TIA)  
Travel Goods Association  
Trucking Association of Massachusetts  
Trucking Association of New York  
Tucson Metro Chamber  
Tulsa Regional Chamber  
U.S. Apple Association  
U.S. Chamber of Commerce  
U.S. Durum Growers Association  
U.S. Fashion Industry Association  
United Corpus Christi Chamber of Commerce  
United Dairymen of Arizona  
USA Minority Chamber of Commerce, Inc.  
Valve Manufacturers Association  
Vegas Chamber  
Vermont Retail & Grocers Association  
Vinyl Institute  
Virginia Agribusiness Council  
Virginia Chamber of Commerce  
Wake Forest Area Chamber  
Washington Retail Association  
Washington State Potato Commission  
Washington State Tree Fruit Association  
Washington Trucking Associations  
West Valley Chamber of Commerce Alliance

West Ventura County Business Alliance  
West Virginia Chamber of Commerce  
White Pine Chamber of Commerce  
Wickenburg Chamber of Commerce  
Window & Door Manufacturers Association  
Wisconsin Bakers Association  
Wisconsin Manufacturers & Commerce (WMC)  
Wisconsin Motor Carriers Association  
WV Retailers Association  
Wyoming State Chamber of Commerce  
Yorba Linda Chamber of Commerce

cc: Members of the United States Senate  
cc: Members of the U.S. House of Representatives

Secretary Pete Buttigieg  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

February 22, 2023

Dear Secretary Buttigieg,

With this letter, we are lending our support for the Alabama State Port Authority's (ASPA) request of \$500,000 from the U.S. Department of Transportation RAISE Grant Program funding a feasibility study for pier improvements along the Mobile River.

Due to the rapid growth of the Port, we feel this project is crucial to maintaining operational fluidity at the port and ensuring more jobs for the (city/state/community).

This project will assist the Alabama Port Authority in determining the highest and best use of their facilities, which operate in geographically limited areas bordered by low-income communities, downtown entertainment districts, business districts, federal interstate systems, and a vast network of railway infrastructure.

According to a 2021 economic impact study, The Port of Mobile is responsible for \$85 billion in annual economic impact statewide, generating 312,896 jobs across Alabama.

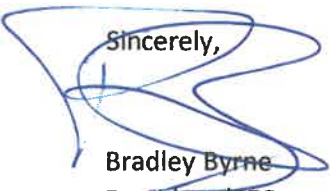
The Port is strategically located in the northern Gulf of Mexico with access to an international airport and two interstate systems, I-65 running north/south and I-10 running east/west. The intermodal container transfer facility (ICTF), which will be an on-dock facility by 2025, provides access to five Class I and four short-line railroads. From the ICTF in Mobile, containers can reach Chicago in three days.

The Alabama Port Authority serves all 67 counties in Alabama and oversees the deep-water public port facilities at the Port of Mobile. In addition to interstate, air, and rail, the Port Authority's container, general cargo, and bulk facilities have immediate access to nearly 15,000 miles of inland waterways. Once the channel deepening and widening project is completed in early 2025, the Port of Mobile will be the deepest container terminal in the Gulf of Mexico.

With the Port's vast assets and rapid growth in mind, we support this study to determine the highest and best use of Port Authority property to serve customers and create jobs.

We have enjoyed our long-standing partnership in the community with the Alabama State Port Authority and support their efforts to continue to improve our community.

Sincerely,

  
Bradley Byrne  
President/CEO  
Mobile Chamber

February 28, 2023

To the Members of the United States Congress:

On behalf of the undersigned organizations and our members across the country, we write to unequivocally oppose the Federal Trade Commission's (FTC) proposed rule to impose a nationwide ban on almost all noncompete clauses. The FTC lacks the constitutional or statutory authority to issue such a rule and, in attempting to do so, the agency is improperly usurping the role of Congress.

Moreover, this sweeping rule would invalidate millions of contracts around the country that courts, scholars, and economists have found entirely reasonable and beneficial for both businesses and employees. Accordingly, we ask you to exercise your oversight and appropriations authority to closely examine the FTC's proposed rulemaking.

Congress never granted the FTC the statutory authority to issue rules regulating competition, such as the contractual relationship between employers and employees, which even advocates for action in this area, like Sen. Chris Murphy (D-CT), recognize.<sup>1</sup> Rather, Congress granted targeted statutory authority to FTC to issue rules to protect consumers, such as to prevent fraud and false advertising. The FTC's authority with respect to competition issues is limited to adjudicating individual cases where competition issues are involved where the FTC must consider the factual context and reasonableness of conduct in each such matter.

The FTC has not attempted to promulgate a competition rule for decades, across administrations of both parties. In the past, Congress curbed FTC's excesses with appropriations riders, and we encourage Congress to revisit such tools today.

The Supreme Court recently recognized the important Constitutional limitations on the ability of executive agencies to issue major rules such as that proposed here without clear guidance from Congress. Two years ago in *AMG Capital Management v. FTC*, for example, the Supreme Court unanimously rejected the FTC's claims that it could interpret its own statutes to claim broad authority. In cases involving other agencies, courts have invoked the major questions and non-delegation doctrines to strike down agency excesses and to preserve the role of elected officials in addressing important issues. We urge Congress to reassert its Constitutional role to resolve issues of national importance and limit attempts to usurp this authority through unauthorized regulatory overreach.

Finally, the FTC's blanket ban on noncompete clauses is vastly overbroad and likely will harm both employees and employers. Courts, scholars, and economists all have found that noncompete clauses, when properly used, encourage investment in employees and help to protect intellectual property. Forty-seven states permit noncompete clauses, which have traditionally been an issue of state law.

To be sure, courts do not and should not enforce unreasonably restrictive noncompete clauses, but therein lies the wisdom of our current system: reasonable, procompetitive noncompetes stand, whereas unreasonable, anticompetitive ones fall.

We thank you for your attention to this issue and we ask you to exercise your oversight and appropriations authority to rein in FTC's unauthorized rulemaking banning noncompete agreements.

Sincerely,

**National**

ACA International  
 ACT | The App Association  
 Advanced Medical Technology Association  
 Aerospace Industries Association  
 Alternative Investment Management Association  
 American Bakers Association  
 American Beverage  
 American Coatings Association  
 American Financial Services Association  
 American Hotel & Lodging Association  
 American Property Casualty Insurance Association  
 American Staffing Association  
 American Trucking Associations  
 ANA - Association of National Advertisers  
 Associated Builders and Contractors  
 Associated Equipment Distributors  
 Computer and Communications Industry Association  
 Consumer Brands Association  
 Consumer Technology Association  
 Council of Insurance Agents and Brokers  
 Direct Selling Association  
 Electronic Transactions Association  
 Energy Marketers of America  
 Federation of American Hospitals  
 FIA Principal Traders Group  
 FMI - The Food Industry Association  
 Foodservice Equipment Distributors Association  
 Heating, Air-Conditioning, & Refrigerant Distributors International  
 HR Policy Association

Independent Electrical Contractors  
 Independent Insurance Agents & Brokers of America  
 Independent Lubricant Manufacturers Association  
 International Franchise Association  
 International Sign Association  
 ISSA, The Worldwide Cleaning Industry Association  
 Littler Mendelson Workplace Policy Institute  
 Medical Alley Association  
 Metals Service Center Institute  
 Mortgage Bankers Association  
 National Association of Benefits and Insurance Professionals  
 National Association of Broadcasters  
 National Association of Convenience Stores  
 National Association of Electrical Distributors  
 National Association of Insurance and Financial Advisors  
 National Association of Mutual Insurance Companies  
 National Association of Professional Employer Organizations  
 National Association of Security Companies  
 National Association of Wholesaler-Distributors  
 National Council of Chain Restaurants  
 National Federation of Independent Business  
 National Independent Automobile Dealers Association (NIADA)  
 National Mining Association

National Newspaper Association  
 National Pest Management Association (NPMA)  
 National Propane Gas Association  
 National Restaurant Association  
 National Retail Federation  
 National Truck Equipment Association  
 National Waste & Recycling Association  
 Reinsurance Association of America  
 Retail Industry Leaders Association (RILA)  
 Securities Industry and Financial Markets Association  
 SIFMA Asset Management Group  
 U.S. Chamber of Commerce  
 Wholesale & Specialty Insurance Association (WSIA)

### **Alabama**

Mobile Area Chamber of Commerce  
 Prattville Area Chamber of Commerce  
 Selma and Dallas County Chamber of Commerce and Tourism Information

### **Alaska**

Alaska Chamber of Commerce

### **Arizona**

Apache Junction Area Chamber of Commerce  
 Arizona Chamber of Commerce & Industry  
 Arizona Manufacturers Council  
 Buckeye Valley Chamber of Commerce  
 Chandler Chamber of Commerce  
 Gilbert Chamber of Commerce  
 Glendale Chamber of Commerce  
 Greater Flagstaff Chamber of Commerce  
 Greater Phoenix Chamber  
 Green Valley Sahuarita Chamber of Commerce & Visitor Center  
 Lake Havasu Area Chamber of Commerce  
 Mesa Chamber of Commerce  
 Nogales-Santa Cruz County Chamber of Commerce  
 Queen Creek Chamber of Commerce  
 Southwest Valley Chamber of Commerce

Springerville-Eagar Regional Chamber of Commerce  
 Surprise Regional Chamber of Commerce  
 Tucson Metro Chamber  
 West Valley Chamber of Commerce Alliance  
 Wickenburg Chamber of Commerce

### **Arkansas**

AR State Chamber/AIA  
 Little Rock Regional Chamber of Commerce  
 Rogers Lowell Chamber of Commerce

### **California**

Brea Chamber of Commerce  
 Chino Valley Chamber of Commerce  
 Coalition of California Chambers Orange County  
 Dana Point Chamber of Commerce  
 El Dorado County Chamber  
 Greater Conejo Valley Chamber of Commerce  
 Joint Chambers Commission  
 Laguna Niguel Chamber of Commerce  
 Lincoln Area Chamber of Commerce  
 Lompoc Valley Chamber of Commerce  
 Long Beach Area Chamber of Commerce  
 Modesto Chamber of Commerce  
 Palm Desert Area Chamber of Commerce  
 Roseville Area Chamber of Commerce  
 San Juan Capistrano Chamber of Commerce  
 San Marcos Chamber of Commerce  
 Santa Barbara South Coast Chamber of Commerce  
 Simi Valley Chamber of Commerce  
 U.S. Minority Chamber of Commerce  
 West Ventura County Business Alliance

### **Colorado**

Colorado BioScience Association  
 Colorado Chamber of Commerce  
 Greater Woodland Park Chamber of Commerce

### **Connecticut**



Connecticut Business & Industry  
Association (CBIA)

### **Florida**

Coral Gables Chamber of Commerce  
Florida Chamber of Commerce

### **Georgia**

Barrow County Chamber of Commerce  
Georgia Chamber of Commerce  
Perimeter Chamber

### **Hawaii**

Chamber of Commerce Hawaii  
Maui Chamber of Commerce

### **Idaho**

Boise Metro Chamber  
Cascade Chamber of Commerce  
Pocatello-Chubbuck Chamber of Commerce

### **Illinois**

Chamber630  
Chicagoland Chamber of Commerce  
Cook County Black Chamber of Commerce  
Edwardsville/Glen Carbon Chamber of  
Commerce  
Garfield Park Chamber of Commerce  
GLMV Chamber of Commerce  
Greater Springfield Chamber of Commerce  
Illinois Black Chamber of Commerce  
Illinois Chamber of Commerce  
Lombard Area Chamber of Commerce  
Naperville Area Chamber of Commerce  
Pekin Area Chamber of Commerce  
Sauk Valley Area Chamber of Commerce  
West Suburban Chamber of Commerce &  
Industry

### **Indiana**

Cedar Lake Chamber of Commerce  
Indiana Chamber of Commerce  
Indiana Health Industry Forum  
South Bend Regional Chamber  
Valpo Chamber  
Wayne County Area Chamber of Commerce

### **Iowa**

Council Bluffs Area Chamber of Commerce  
Dubuque Area Chamber of Commerce  
Mason City Chamber of Commerce  
Spencer Chamber of Commerce Foundation

### **Kentucky**

Commerce Lexington  
Greater Louisville Inc. - The Metro  
Chamber of Commerce  
Kentucky Chamber of Commerce  
Northern Kentucky Chamber of Commerce

### **Louisiana**

Baton Rouge Area Chamber  
Louisiana Association of Business and  
Industry

### **Maryland**

Maryland Chamber of Commerce

### **Massachusetts**

Greater Boston Chamber of Commerce  
Metro South Chamber of Commerce

### **Michigan**

Detroit Regional Chamber  
Grand Rapids Chamber  
Holly Area Chamber of Commerce  
Lansing Regional Chamber of Commerce  
Michigan Biosciences Industry Association  
(MichBio)  
Michigan Chamber

### **Minnesota**

Austin Area Chamber of Commerce  
Eden Prairie Chamber of Commerce  
Forest Lake Area Chamber of Commerce  
Glencoe Area Chamber of Commerce  
Lonsdale Area Chamber of Commerce  
Marshall Area Chamber of Commerce  
Minnesota Chamber of Commerce  
Waconia Chamber of Commerce

### **Mississippi**

Mississippi Economic Council

### **Montana**

Great Falls Area Chamber of Commerce  
Kalispell Chamber of Commerce  
Montana Chamber of Commerce

### **Nebraska**

Auburn Chamber of Commerce  
Beatrice Area Chamber of Commerce &  
Gage County Tourism  
Broken Bow Chamber of Commerce  
Columbus Area Chamber of Commerce  
Fremont Area Chamber of Commerce  
Kearney Area Chamber of Commerce  
Nebraska Chamber of Commerce &  
Industry  
West Point Chamber of Commerce

### **Nevada**

Henderson Chamber of Commerce  
Vegas Chamber

### **New Hampshire**

Business & Industry Association of New  
Hamshire

### **New Jersey**

Greater Westfield Area Chamber of  
Commerce  
HealthCare Institute of New Jersey (HINJ)  
New Jersey Civil Justice Institute  
New Jersey State Chamber of Commerce

### **New Mexico**

New Mexico Biotechnology & Biomedical  
Association (NMBio)

### **New York**

Capital Region Chamber  
North Country Chamber of Commerce

### **North Carolina**

NC Chamber

### **North Dakota**

Chamber Grand Forks / East Grand Forks  
Greater North Dakota Chamber

### **Ohio**

Cedarville Area Chamber of Commerce  
Chillicothe Ross Chamber of Commerce  
Cincinnati USA Regional Chamber  
Dayton Area Chamber of Commerce  
Fostoria Area Chamber of Commerce  
Ohio Chamber of Commerce  
Shawnee Hills Area Chamber of Commerce  
Toledo Regional Chamber of Commerce

### **Oklahoma**

Greater Oklahoma City Chamber  
State Chamber of Oklahoma

### **Oregon**

Cottage Grove Area Chamber of Commerce  
Lincoln City Chamber of Commerce  
Oregon Business & Industry  
Oregon State Chamber  
Salem Area Chamber of Commerce

### **Pennsylvania**

Chester County Chamber of Business and  
Industry  
Greater Latrobe Laurel Valley Regional  
Chamber of Commerce  
Hanover Area Chamber of Commerce  
Indian Valley Chamber of Commerce  
Mechanicsburg Chamber of Commerce  
Pennsylvania Chamber of Business and  
Industry  
Pennsylvania Food Merchants Association  
Pittsburgh Airport Area Chamber of  
Commerce  
Schuylkill Chamber of Commerce  
Somerset County Chamber of Commerce  
South West Regional Chamber of  
Commerce  
Westmoreland County Chamber of  
Commerce

### **Rhode Island**

Northern Rhode Island Chamber of Commerce

### **South Carolina**

Hilton Head Island-Bluffton Chamber of Commerce

South Carolina Chamber of Commerce

### **Tennessee**

Blount County Chamber of Commerce

Kingsport Chamber

### **Texas**

Abilene Chamber of Commerce

Central Fort Bend Chamber

Greater Waco Chamber of Commerce

Houston West Chamber of Commerce

Longview TX Chamber of Commerce

North Texas Commission

Texas Association of Business

### **Utah**

BioUtah

Cache Valley Chamber of Commerce

ChamberWest Chamber of Commerce

Payson Santaquin Area Chamber of Commerce

South Valley Chamber

St. George Area Chamber of Commerce

### **Virginia**

Blackstone Chamber of Commerce

Central Fairfax Chamber of Commerce

Loudoun County Chamber of Commerce

Lynchburg Regional Business Alliance

Virginia Chamber of Commerce

Virginia Peninsula Chamber

### **Washington**

Association of Washington Business

Greater Lake Stevens Chamber of Commerce

Greater Spokane Valley Chamber of Commerce

Greater Yakima Chamber of Commerce

Kittitas County Chamber of Commerce

Mercer Island Chamber of Commerce

Moses Lake Chamber of Commerce

Shelton-Mason County Chamber of Commerce

South Kitsap Chamber of Commerce

Washington Retail Association

West Plains Chamber of Commerce

### **West Virginia**

West Virginia Chamber of Commerce

### **Wisconsin**

Wisconsin Manufacturers and Commerce

### **Wyoming**

Greater Cheyenne Chamber of Commerce

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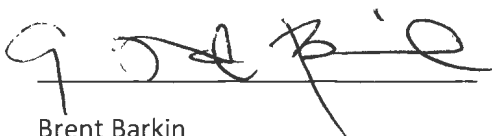
<sup>i</sup> Sen. Murphy [noted](#) when introducing legislation related to noncompete agreements in the 117<sup>th</sup> Congress: “All four of us are very excited about the FTC’s decision to move forward, but we’d like to give them clear statutory authority,” said Murphy, whose proposed [Workforce Mobility Act](#) in the 117th Congress was co-sponsored by Sens. [Todd Young](#) (R-IN), [Tim Kaine](#) (D-VA), and [Kevin Cramer](#) (R-ND).

### SUPPORTING ANNEXATION TO GROW THE CITY OF MOBILE

- WHEREAS: Our future development is dependent on a strong, vibrant and expanding city; and
- WHEREAS: The City of Mobile's population has been in decline causing the city to fall from the second largest in the state to the fourth; and
- WHEREAS: The City of Mobile has grown 21 times by annexation throughout the City's history; and
- WHEREAS: From 2010 to 2020, the City of Mobile's population decreased by 4.14% and is projected to continue decreasing; however, during the same time, the population increased between 13-14% in all four of the annexation scenarios and is projected to continue increasing; and
- WHEREAS: Annexation would increase the City of Mobile's population to more than 200,000, the threshold of a "mid-sized" city, which gives access to increased federal funding opportunities; and
- WHEREAS: Without annexation, the City of Mobile will be landlocked by dozens of smaller cities and will be unable to grow now and in the future; and
- WHEREAS: The proposed annexation areas to the west of Mobile's current city limits preserve Mobile's status as a black-majority city; ensure the voting age population in four council districts remains majority-minority; and ensure any annexation would be revenue-positive; and
- WHEREAS: Each of the four proposed annexation areas bring Mobile's overall population above the 200,000 threshold; however, Study Area A provides the most cushion with each of the other three study areas leaving Mobile under 200,000 in just 1-5 years based on population trends; and
- WHEREAS: A city that is not growing is dying, and growing the city through annexation would benefit our entire region and solidify Mobile's significance as the economic engine of southwest Alabama and the entire Gulf Coast region; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Mobile Area Chamber of Commerce urges the members of the City Council to allow the residents in the annexation areas to vote to join the City of Mobile.

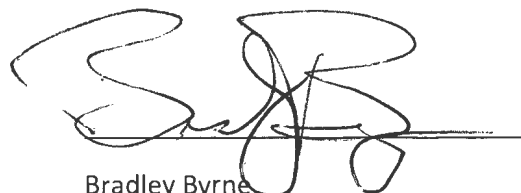
Done this 19<sup>th</sup> day of April 2023.



Brent Barkin

Chairman of the Board of Directors

Mobile Chamber



Bradley Byrne

President and CEO

Mobile Chamber

July 20, 2023

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

The undersigned organizations are concerned by the growing possibility of a strike by the International Brotherhood of Teamsters in their negotiations for a new labor contract with the United Parcel Service. Given the debilitating impact of a strike on American families and the economy, we urge your Administration to provide the support necessary to help the parties reach a new agreement by the August 1 deadline.

UPS is a vital lifeline for America, moving between 5% and 6% of U.S. GDP, or \$3.8 billion in goods, per day. Parcels delivered by UPS include cancer screening tests, semiconductor chips, baby formula, back-to-school kits, critical parts for agricultural, construction, and telecommunications equipment, and the everyday supplies needed to keep thousands of small businesses running. America also relies on critical medical deliveries enabled by the predictability and reliability of the UPS network, such as vaccines, medical devices, and life-saving medication. Meanwhile, UPS's competitors have stated publicly that, in the event of a work stoppage, they do not have the capacity to absorb the 20 million packages the UPS delivers per day.

A Teamsters strike against UPS could be the costliest such strike in at least a century, with significant and lasting harm for small businesses and online retailers. A strike would lead to months-long backlogs in the supply chain and the interruption of deliveries of critical medical supplies and other essential items. One study estimates that a 15-day UPS strike would harm the health and safety of U.S. consumers by \$55.5 billion; even a 5-day strike at UPS, by this account, would harm the country by \$15.8 billion – or \$3.7 billion per day.<sup>1</sup>

With 95% of the negotiations complete and with the current contract set to expire in less than two weeks, there is no time to waste on rhetoric and posturing. Against this backdrop, the Administration has successfully utilized its formal and informal convening power in the past year to help parties reach agreements in both the railroad and West Coast port terminal contract negotiations. We urge you to lend similar help here and work with the parties to help reach an agreement by August 1.

Sincerely,

National  
Accessories Council  
AdvaMed

Agriculture Transportation Coalition  
America's SBDC

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<sup>1</sup> J. Gregory Sidak, "Does a Threatened Teamsters Strike at UPS Imperil the National Health or Safety?" (July 10, 2023).

American Apparel & Footwear Association (AAFA)  
 American Association of Exporters and Importers  
 American Composites Manufacturers Association  
 American Down and Feather Council  
 American Herbal Products Association  
 American Public Transportation Association  
 American Pyrotechnics Association  
 American Rental Association  
 American Short Line and Regional Railroad Association (ASLRRA)  
 American Trucking Associations  
 Associated Builders and Contractors  
 Associated Equipment Distributors  
 Association for Uncrewed Vehicle Systems International  
 Association of American Railroads  
 Association of Food Industries  
 Coalition of New England Companies for Trade  
 Consumer Technology Association (CTA)  
 Council for Responsible Nutrition  
 Council of Fashion Designers of America (CFDA)  
 Fashion Accessories Shippers Association  
 Fashion Jewelry & Accessories Trade Association  
 Game Manufacturers Association  
 Gemini Shippers Association  
 Glass Packaging Institute  
 Global Cold Chain Alliance  
 Greenabl  
 Greeting Card Association  
 Health Industry Distributors Association (HIDA)  
 Heating, Air-conditioning, & Refrigeration Distributors International  
 Home Fashion Products Association  
 Independent Electrical Contractors  
 International Dairy Foods Association  
 International Franchise Association  
 International Housewares Association  
 International Warehouse Logistics Association (IWLA)

Medical Device Manufacturers Association (MDMA)  
 Mortgage Bankers Association  
 National Association of Egg Farmers  
 National Industrial Transportation League  
 National Lumber & Building Material Dealers Association  
 National Retail Federation  
 National Ski & Snowboard Retailers Association  
 National Sporting Goods Association  
 National Wooden Pallet & Container Association  
 NGV America  
 North American Association of Food Equipment Manufacturers (NAFEM)  
 Personal Care Products Council  
 Premium Cigar Association  
 PRINTING United Alliance  
 Retail Industry Leaders Association  
 Specialized Carriers & Rigging Association  
 Sports & Fitness Industry Association  
 Tag and Label Manufacturers Institute  
 Tea Association of the U.S.A., Inc.  
 Tile Roofing Industry Alliance  
 The Toy Association  
 Transportation Intermediaries Association (TIA)  
 Travel Goods Association (TGA)  
 U.S. Chamber of Commerce

#### Alabama

Central Baldwin Chamber of Commerce  
 Mobile Area Chamber of Commerce  
 Prattville Area Chamber of Commerce

#### Alaska

Alaska Chamber of Commerce

#### Arizona

Apache Junction Area Chamber of Commerce  
 Arizona Trucking Association  
 Greater Flagstaff Chamber of Commerce  
 Greater Phoenix Chamber of Commerce  
 Scottsdale Area Chamber of Commerce

Surprise Regional Chamber of Commerce

#### Arkansas

Arkansas State Chamber of  
Commerce/Associated Industries of  
Arkansas  
Rogers Lowell Area Chamber of Commerce

#### California

Antelope Valley Chambers of Commerce  
Brea Chamber of Commerce  
California Automotive Wholesalers'  
Association  
California Business Roundtable  
California Chamber of Commerce  
California Retailers Association  
California Trucking Association  
Customs Brokers & Forwarders Association  
of Northern California  
Gateway Chambers Alliance  
Greater Riverside Chambers of Commerce  
Hueneme Chamber of Commerce  
Long Beach Area Chamber of Commerce  
Los Angeles Area Chamber of Commerce  
Los Angeles Customs Brokers and Freight  
Forwarders Association  
Modesto Chamber of Commerce  
Norwalk Chamber of Commerce  
Orange County Business Council  
Pacific Coast Council of Customs Brokers  
and Freight Forwarders Associations, Inc.  
Palm Desert Area Chamber of Commerce  
San Diego Customs Brokers Association  
San Gabriel Valley Economic Partnership  
San Marcos Chamber of Commerce  
Santa Barbara South Coast Chamber of  
Commerce  
Simi Valley Chamber of Commerce  
Western States Trucking Association

#### Colorado

Colorado Chamber of Commerce  
Colorado Motor Carriers Association  
Vail Valley Partnership

#### Connecticut

Connecticut Business & Industry  
Association (CBIA)

#### Delaware

Delaware State Chamber of Commerce

#### Florida

Greater Boca Raton Chamber of Commerce  
Ormond Beach Chamber of Commerce  
Space Coast Black Chamber of Commerce

#### Georgia

Barrow County Chamber of Commerce  
Cordele-Crisp Chamber of Commerce, Inc.  
Forsyth-Monroe County Chamber of  
Commerce  
Georgia Chamber of Commerce  
Habersham County Chamber of Commerce  
Heard County Chamber of Commerce  
Metro Atlanta Chamber of Commerce  
Moultrie - Colquitt County Chamber of  
Commerce  
Murray County Chamber of Commerce

#### Hawaii

Hawaii Transportation Association

#### Idaho

Boise Metro Chamber of Commerce  
Idaho Association of Commerce and  
Industry  
Rexburg Area Chamber of Commerce

#### Illinois

Carmi Chamber of Commerce  
Chamber 630  
Chicagoland Chamber of Commerce  
GLMV Chamber of Commerce  
Greater Springfield Chamber of Commerce  
Illinois Chamber of Commerce  
Lake Zurich Area Chamber of Commerce

Indiana

Aspire Economic Development + Chamber Alliance  
 Avon Chamber of Commerce  
 Greater Lafayette Commerce  
 Greater Lawrence Chamber of Commerce  
 Indiana Chamber of Commerce  
 Indiana Motor Truck Association  
 Kendallville Area Chamber of Commerce  
 South Bend Regional Chamber of Commerce

Iowa

Dubuque Area Chamber of Commerce  
 Iowa Association of Business and Industry  
 Quad Cities Chamber of Commerce  
 Urbandale Chamber of Commerce

Kansas

Overland Park Chamber of Commerce

Kentucky

Barren Inc., The Barren County Chamber of Commerce  
 Commerce Lexington  
 Greater Louisville Inc. -The Metro Chamber of Commerce  
 Greater Muhlenberg Chamber of Commerce  
 Hopkins County Regional Chamber of Commerce  
 Kentucky Chamber of Commerce

Louisiana

Central Louisiana Regional Chamber of Commerce  
 Greater Shreveport Chamber of Commerce

Maryland

Maryland Chamber of Commerce  
 Maryland Retailers Association

Massachusetts

Associated Industries of Massachusetts  
 Metro South Chamber of Commerce

Michigan

Detroit Regional Chamber of Commerce  
 Grand Rapids Chamber of Commerce  
 Greater Niles Chamber of Commerce  
 Michigan Chamber of Commerce  
 Muskegon Lakeshore Chamber of Commerce

Minnesota

Brainerd Lakes Chamber of Commerce  
 Eden Prairie Chamber of Commerce  
 Greater Mankato Growth  
 Minneapolis Regional Chamber of Commerce  
 Shakopee Chamber and Visitors Bureau

Mississippi

Mississippi Economic Council - The State Chamber

Missouri

Greater West Plains Area Chamber of Commerce  
 Missouri Chamber of Commerce and Industry  
 Missouri Retailers Association  
 Webster Groves/Shrewsbury/Rock Hill Area Chamber of Commerce

Montana

Kalispell Chamber of Commerce  
 Montana Chamber of Commerce

Nebraska

Kearney Area Chamber of Commerce  
 Nebraska Chamber of Commerce and Industry, Inc.

Nevada

Carson City Chamber of Commerce  
 Henderson Chamber of Commerce  
 Nevada Trucking Association  
 Retail Association of Nevada  
 Vegas Chamber of Commerce



New Hampshire

Business & Industry Association of New Hampshire

New Jersey

Greater Westfield Area Chamber of Commerce

New Jersey Chamber of Commerce

New Mexico

Greater Las Cruces Chamber of Commerce

New Mexico Business Coalition

New Mexico Trucking Association, Inc.

New York

Business Council of New York State Inc.

Capital Region Chamber of Commerce

Sullivan County Chamber of Commerce

North Carolina

Moore County Chamber of Commerce

North Carolina Chamber of Commerce

North Carolina Trucking Association

Perquimans County Chamber of Commerce

North Dakota

Greater North Dakota Chamber of Commerce

Ohio

The Chamber of Commerce Serving  
Middletown, Monroe, Trenton

Chillicothe Ross Chamber of Commerce

Marion Area Chamber of Commerce

Ohio Chamber of Commerce

Ohio Trucking Association

Zanesville-Muskingum County Chamber of Commerce

Oklahoma

Claremore Area Chamber of Commerce

Oregon

Canby Area Chamber of Commerce

Eugene Area Chamber of Commerce

Gresham Area Chamber of Commerce

Lincoln City Chamber of Commerce

North Clackamas County Chamber of Commerce

Oregon Business & Industry

Oregon State Chamber of Commerce

The Dalles Area Chamber of Commerce

Washington County Chamber of Commerce

Pennsylvania

Columbia Montour Chamber of Commerce

Hanover Area Chamber of Commerce

Pennsylvania Chamber of Business and Industry

Pennsylvania Motor Truck Association

Pittsburgh Airport Area Chamber of Commerce

Schuylkill Chamber of Commerce

Westmoreland County Chamber of Commerce

South Carolina

Anderson Area Chamber of Commerce

Myrtle Beach Area Chamber of Commerce

South Carolina Chamber of Commerce

South Carolina Retail Association

Tri-County Regional Chamber of Commerce

South Dakota

Greater Sioux Falls Chamber of Commerce

South Dakota Chamber of Commerce and Industry

Tennessee

Lawrence County Chamber of Commerce

Texas

Greater Arlington Chamber of Commerce

Greater Taylor Chamber of Commerce

Greater Tomball Area Chamber of Commerce

Greater Waco Chamber of Commerce

Irving-Las Colinas Chamber of Commerce

Longview Chamber of Commerce

Texas Association of Business

Washington County Chamber of Commerce

Utah

South Valley Chamber of Commerce  
Utah Trucking Association

Vermont

Vermont Chamber of Commerce

Virginia

Central Fairfax Chamber of Commerce  
Northern Virginia Chamber of Commerce  
Virginia Chamber of Commerce  
Virginia Trucking Association

Washington

Association of Washington Business  
Birch Bay Chamber of Commerce  
Burlington Chamber of Commerce  
Columbia River Customs Brokers &  
Forwarders Association  
Customs Brokers & International Freight  
Forwarders Association of Washington  
Greater Kirkland Chamber of Commerce  
Greater Spokane Incorporated  
Greater Spokane Valley Chamber of  
Commerce  
Greater Vancouver Chamber of Commerce  
Mercer Island Chamber of Commerce  
Moses Lake Chamber of Commerce  
Seattle Metropolitan Chamber of Commerce  
SnoValley Regional Chamber of Commerce  
Washington Retail Association  
Washington Trucking Associations

Wisconsin

Metropolitan Milwaukee Association of  
Commerce  
Oshkosh Chamber of Commerce  
Wisconsin Manufacturers & Commerce

Wyoming

Campbell County Chamber of Commerce  
Sheridan County Chamber of Commerce  
Wyoming State Chamber of Commerce

July 28, 2023

To the Members of the United States Congress:

The undersigned organizations strongly oppose numerous bills attempting to prohibit arbitration and class action waiver provisions that have been introduced or proposed in the 118th Congress. Arbitration has been an important alternative dispute resolution mechanism since the enactment of the Federal Arbitration Act in 1925. Unfortunately, there is an organized effort underway to dismantle the arbitration system in favor of bringing claims in the broken class action litigation system.

Individualized contract-based arbitration is an efficient, effective, and less expensive means of resolving disputes for consumers, employees, and businesses. Multiple empirical studies have shown that those bringing claims in arbitration do just as well as or, in many circumstances better than in court.<sup>1</sup> By contrast, studies have also shown that class action settlements frequently provide only a pittance – or many times, nothing at all – to class members while millions of dollars are paid to their attorneys.<sup>2</sup>

Opponents of arbitration mischaracterize how arbitration works to paint its use as unfair. The reality is that arbitration providers and courts ensure that arbitration operates fairly and that arbitration agreements are enforced only if they meet basic guarantees of fairness and due process. For example, the American Arbitration Association (AAA), the country's largest arbitration provider, developed fairness rules for employment and consumer arbitrations. It will not accept a case unless the arbitration agreement complies with those standards. These rules require that arbitrators must be neutral and disclose any conflict of interest and give both parties an equal say in selecting the arbitrator; limit the fees paid by employees and consumers to \$350 and \$225 respectively – equal to or less than the filing fee in federal court; empower the arbitrator to order any necessary discovery; and require that damages, punitive damages, and attorneys' fees be awardable to the claimant to the same extent as in court. And the AAA rules require that consumers be given the option of resolving their dispute in small claims court. JAMS, another leading arbitration provider, requires similar protections—as do other arbitration providers.

The courts provide another layer of oversight. If an arbitration provision is unfair, courts can and do step in and declare those arbitration agreements unconscionable and unenforceable. Also, arbitration agreements cannot prevent consumers or employees from publicly discussing

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<sup>1</sup> See Fairer, Faster, Better III: An Empirical Assessment of Consumer and Employment Arbitration (March 2022) available at <https://institutelegalreform.com/research/update-an-empirical-assessment-of-consumer-employment-cases-in-arbitration-litigation/>.

<sup>2</sup> See Consumer Financial Protection Bureau, Arbitration Study: Report to Congress (March 2015) available at [https://files.consumerfinance.gov/f/201503\\_cfpb\\_arbitration-study-report-to-congress2015.pdf](https://files.consumerfinance.gov/f/201503_cfpb_arbitration-study-report-to-congress2015.pdf). Finding that 87% of resolved class actions resulted in no benefit to absent class members, and in the rare cases they did, the average settlement payment was no better than \$32.35 per class member, but attorneys' fees averaged \$1 million per case.

claims with government agencies nor can arbitrators' decisions be kept secret. Courts have invalidated arbitration agreements that purported to impose a "gag order." And courts consistently hold that either party may disclose the results of arbitration proceedings.

Despite a lack of evidence showing a systemic problem with arbitration, multiple bills and amendments have been introduced and proposed in the 118th Congress that attack the availability of arbitration and class action waivers in numerous contexts such as employment disputes, consumer contracts, data privacy, multiple types of discrimination claims, and antitrust disputes, among others.<sup>3</sup>

If successful, these legislative efforts would declare unenforceable potentially millions of arbitration provisions that allow for the orderly and economical resolution of disputes. Opponents of pre-dispute arbitration fail to acknowledge that, if enacted, these provisions and bills will limit the realistic opportunity for consumers and employees to obtain a remedy if a dispute arises. The only real beneficiaries of these anti-arbitration provisions will be class action lawyers who would benefit from the possibility of bringing more class action lawsuits that enrich them while providing little benefit to class members.

These attacks on arbitration are inaccurate, unnecessary, and would undermine an important alternative to litigation that has benefited consumers, employees, and businesses for decades, and on which many of them now rely. Accordingly, we strongly urge you to oppose attempts to prohibit arbitration or class action waivers.

Sincerely,

#### **National**

ACA International

American Financial Services Association

American Health Care Association

American International Automobile Dealers Association

American Property Casualty Insurance Association

American Securities Association

American Staffing Association

American Tort Reform Association

AMERICAN TRANSACTION PROCESSORS COALITION

Bank Policy Institute

Credit Union National Association

Cruise Lines International Association

CTIA

Electronic Transactions Association

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<sup>3</sup> See, e.g., H.R. 2953, H.R. 20, H.R. 4120, H.R. 3038, H.R. 2998, H.R. 731, H.R. 2701, proposed amendments 88 and 232 to H.R. 2670, S. 1376, S. 567, S. 1979, S. 1408, S. 220, S. 178, and S. 631. These are just some among the litany of proposed bills and amendments.

Foodservice Equipment Distributors Association

HR Policy Association

Independent Women's Forum

Independent Women's Law Center

Independent Women's Voice

Lawyers for Civil Justice

Littler Workplace Policy Institute

National Association of Home Builders

National Association of Manufacturers

National Association of Mutual Insurance Companies

National Club Association

National Retail Federation

Real Estate Services Providers Council, Inc. (RESPRO®)

Reinsurance Association of America

Retail Industry Leaders Association (RILA)

Small Business & Entrepreneurship Council

U.S. Chamber of Commerce

Window & Door Manufacturers Association

### **Alabama**

Mobile Area Chamber of Commerce

Shoals Chamber of Commerce

SouthWest Mobile County Chamber of Commerce

### **Alaska**

Alaska Chamber

### **Arizona**

Apache Junction Area Chamber of Commerce

Arizona Chamber of Commerce and Industry

Buckeye Valley Chamber of Commerce

Chandler Chamber of Commerce

Greater Flagstaff Chamber of Commerce

Greater Phoenix Chamber

Green Valley Sahuarita Chamber of Commerce & Visitor Center

Mesa Chamber of Commerce

Nogales-Santa Cruz County Chamber of Commerce

Prescott Valley Chamber of Commerce

Surprise Regional Chamber of Commerce

Tucson Hispanic Chamber of Commerce

Tucson Metro Chamber

### **Arkansas**

Arkansas State Chamber of Commerce/AIA

Little Rock Regional Chamber

Rogers Lowell Area Chamber of Commerce

### **California**

Antelope Valley Chambers of Commerce

Brea Chamber of Commerce

California Business Roundtable

California Chamber of Commerce

Carlsbad Chamber of Commerce

Chino Valley Chamber of Commerce

Civil Justice Association of California

Coalition of California Chambers Orange  
County

Danville Area Chamber of Commerce

Fresno Chamber of Commerce

The Greater Conejo Valley Chamber of  
Commerce

Greater Riverside Chambers of Commerce

LA Area Chamber of Commerce

La Canada Flintridge Chamber of Commerce

Long Beach Area Chamber of Commerce

Modesto Chamber of Commerce

Moorpark Chamber of Commerce

Murrieta/Wildomar Chamber of Commerce

Oceanside Chamber of Commerce

Orange County Business Council

Palm Desert Area Chamber of Commerce

Port Hueneme Chamber of Commerce

Rancho Cordova Area Chamber of  
Commerce

San Diego Regional Chamber of Commerce

San Juan Capistrano Chamber of Commerce

Santa Barbara South Coast Chamber of  
Commerce

Santa Clarita Valley Chamber of Commerce

SGV Regional Chamber of Commerce

Simi Valley Chamber of Commerce

South Orange County Economic Coalition

Torrance Area Chamber of Commerce

Tulare Chamber of Commerce

West Ventura County Business Alliance

Yorba Linda Chamber of Commerce

### **Connecticut**

The Connecticut Business & Industry  
Association (CBIA)

### **Florida**

Florida Chamber of Commerce Litigation &  
Regulatory Reform Center

Greater Boca Raton Chamber of Commerce

Lake City - Columbia County Chamber of  
Commerce

Stuart/Martin County Chamber of  
Commerce

Turkish American Chamber of Commerce of  
the South

Venice Area Chamber of Commerce, Inc.

### **Georgia**

Charlton County Okefenokee Chamber of  
Commerce

Dublin-Laurens County Chamber of  
Commerce

Georgia Chamber of Commerce

Habersham County Chamber of Commerce

### **Hawaii**

Chamber of Commerce Hawaii

Hawaii Restaurant Association

**Idaho**

Boise Metro Chamber

**Illinois**

Chamber 630

The Greater Springfield Chamber of Commerce

Illinois Association of Mutual Insurance Companies

Illinois Chamber of Commerce

Joliet Region Chamber of Commerce & Industry

**Indiana**

Greater Lafayette Commerce

Greater Lawrence Chamber

Indiana Chamber of Commerce

Kendallville Area Chamber of Commerce

South Bend Regional Chamber

**Iowa**

Iowa Association of Business and Industry

**Kansas**

Overland Park Chamber of Commerce

**Kentucky**

Greater Louisville Inc. - The Metro Chamber of Commerce

Kentucky Chamber of Commerce

Northern Kentucky Chamber of Commerce

**Louisiana**

The Louisiana Association of Business and Industry

Louisiana Legal Reform Coalition

**Maryland**

Maryland Chamber of Commerce

**Massachusetts**

Metro South Chamber of Commerce

**Michigan**

Michigan Chamber of Commerce

**Minnesota**

Greater Mankato Growth

Marshall Area Chamber of Commerce

**Mississippi**

Mississippi Economic Council

**Missouri**

Missouri Chamber of Commerce and Industry

Missouri Civil Justice Reform Coalition, Inc.

**Montana**

Beaverhead Chamber of Commerce & Agriculture & Dillon Convention & Visitors Bureau (CVB)

Billings Chamber of Commerce

Montana Chamber of Commerce

**Nebraska**

Kearney Area Chamber of Commerce

Nebraska Chamber of Commerce & Industry

Wahoo Chamber & Economic Development

Washington County Chamber of Commerce

### **Nevada**

Henderson Chamber of Commerce

Laughlin Chamber of Commerce

Laughlin Tourism Commission

Reno + Sparks Chamber of Commerce

Vegas Chamber

White Pine Chamber of Commerce

### **New Hampshire**

BIA of NH

### **New Jersey**

Greater Westfield Area Chamber of  
Commerce

New Jersey Civil Justice Institute

New Jersey State Chamber of Commerce

### **New Mexico**

New Mexico Chamber of Commerce

### **New York**

The Business Council of New York

Capital Region Chamber

Lawsuit Reform Alliance of New York

### **North Carolina**

Charlotte Regional Business Alliance

NC Chamber

Perquimans County Chamber of Commerce

### **North Dakota**

The Chamber Grand Forks / East Grand  
Forks

Greater North Dakota Chamber

### **Ohio**

Ohio Chamber of Commerce

### **Oregon**

Canby Area Chamber of Commerce

Gresham Area Chamber of Commerce

North Clackamas County Chamber of  
Commerce

Oregon Business & Industry

Oregon State Chamber

Salem Area Chamber of Commerce

### **Pennsylvania**

Hanover Area Chamber of Commerce

Pennsylvania Chamber of Business and  
Industry

Pennsylvania Coalition for Civil Justice  
Reform

Pittsburgh Airport Area Chamber of  
Commerce

Schuylkill Chamber of Commerce

Southern Chester County Chamber of  
Commerce

### **Puerto Rico**

Puerto Rico Chamber of Commerce

### **South Carolina**

Anderson Area Chamber of Commerce



Charleston Metro Chamber of Commerce

Greenville Chamber

Hilton Head Island - Bluffton Chamber of Commerce

Myrtle Beach Area Chamber of Commerce

South Carolina Chamber of Commerce

Tri-County Regional Chamber of Commerce

### **South Dakota**

Greater Sioux Falls Chamber of Commerce

### **Tennessee**

Kingsport Chamber

Tennessee Chamber of Commerce & Industry

### **Texas**

Fort Worth Chamber of Commerce

Greater Arlington Chamber of Commerce

Greater Tomball Area Chamber of Commerce

Longview TX Chamber of Commerce

North Texas Commission

Texans for Lawsuit Reform

Texas Association of Business

### **Utah**

Davis Chamber of Commerce

The Salt Lake Chamber

Utah Valley Chamber of Commerce

### **Virginia**

Blackstone Chamber of Commerce

Central Fairfax Chamber of Commerce

ChamberRVA

Loudoun County Chamber of Commerce

Virginia Chamber of Commerce

### **Washington**

Burlington Chamber of Commerce

Covington Chamber of Commerce

Greater Lake Stevens Chamber of Commerce

Greater Vancouver Chamber

Lewis Clark Valley Chamber of Commerce

Moses Lake Chamber of Commerce

Tacoma-Pierce County Chamber

Washington Retail Association

### **West Virginia**

West Virginia Chamber of Commerce

### **Wisconsin**

Wisconsin Manufacturers & Commerce

### **Wyoming**

Casper Area Chamber of Commerce

Greater Cheyenne Chamber of Commerce

Wyoming State Chamber of Commerce

September 13, 2023

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

The undersigned organizations are concerned by the growing possibility of a strike by the United Auto Workers (UAW) in their negotiations for a new labor contract with General Motors, Stellantis, and Ford Motor Company (Detroit Three). A UAW strike would impose significant hardship on American families and the economy so we, therefore, urge you and your Administration to provide the support necessary to help the parties reach a new agreement by the September 14 deadline.

The Detroit Three are critical to our economy. They produced 4.8 million vehicles in the U.S. in 2022, alongside 3.5 million engines, and 5.6 million transmissions.<sup>1</sup> A 2020 report<sup>2</sup> shows that the Detroit Three are supported by 238,000 employees at 260 assembly plants, manufacturing facilities, research labs, distribution centers, and other facilities across 31 states. They work with nearly 9,700 dealerships, which employ nearly 660,000 U.S. workers. Additionally, every vehicle that rolls off the assembly line of a Detroit Three automaker contains anywhere from 8,000 to 12,000 different components manufactured by over 5,600 U.S. suppliers. Over 690,000 supplier jobs are estimated to be tied to the Detroit Three, which accounts for anywhere from 20% to 70% of their business. This means a strike will quickly impact large segments of the economy, leading to layoffs and potentially even bankruptcies of U.S. businesses. While UAW's 40-day strike on General Motors in 2019 forced suppliers to temporarily lay off approximately 75,000 workers, every indication is that a strike today would be significantly more severe for many businesses. Indeed, one analysis estimates a 10-day UAW strike could result in economic losses of more than \$5 billion.<sup>3</sup>

No one should want a strike. The Administration has already employed its formal and informal convening power in the past year to help parties reach agreements in the freight railroad, West Coast port terminal, and UPS-Teamster contract negotiations. We urge you to lend similar help here and work with the parties to help reach an agreement by September 14.

Sincerely,

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<sup>1</sup> IHIS Markit data 2022

<sup>2</sup> [www.americanautomakers.org/sites/default/files/AAPC%20ECR%20Q3%202020.pdf](http://www.americanautomakers.org/sites/default/files/AAPC%20ECR%20Q3%202020.pdf)

<sup>3</sup> <https://www.andersoneconomicgroup.com/10-day-uaw-strike-against-big-three-could-cause-economic-losses-exceeding-5-billion/>

**National**

American Composite Manufacturers  
Association  
American Foundry Society  
Armenian American Chamber of Commerce  
Auto Care Association  
Business Roundtable  
MEMA, The Vehicle Suppliers Association  
National Association of Manufacturers  
U.S. Chamber of Commerce

**Alabama**

Automotive Aftermarket Association  
Southeast  
Decatur-Morgan County Chamber of  
Commerce  
Mobile Area Chamber of Commerce  
Prattville Area Chamber of Commerce  
Selma and Dallas County Chamber of  
Commerce and Tourism Information  
SouthWest Mobile County Chamber of  
Commerce

**Arizona**

Apache Junction Area Chamber of  
Commerce  
Arizona Chamber of Commerce & Industry  
Buckeye Valley Chamber of Commerce  
Chandler Chamber of Commerce  
Gilbert Chamber of Commerce  
Greater Flagstaff Chamber of Commerce  
Greater Phoenix Chamber  
Mesa Chamber of Commerce  
Nogales-Santa Cruz County Chamber of  
Commerce  
Peoria Chamber of Commerce  
Surprise Regional Chamber of Commerce  
Tucson Hispanic Chamber of Commerce  
Tucson Metro Chamber

**Arkansas**

Little Rock Regional Chamber

**California**

Antelope Valley Chamber of Commerce  
Chino Valley Chamber of Commerce  
Dana Point Chamber of Commerce  
Danville Area Chamber of Commerce  
Long Beach Area Chamber of Commerce  
Los Angeles Area Chamber of Commerce  
Modesto Chamber of Commerce  
Norwalk Chamber of Commerce  
Palm Desert Area Chamber of Commerce  
Palos Verdes Peninsula Chamber of  
Commerce  
Pasadena Chamber of Commerce  
Rancho Cordova Area Chamber of  
Commerce  
Redding Chamber of Commerce  
San Gabriel Valley Economic Partnership  
Santa Barbara South Coast Chamber of  
Commerce  
San Jose Chamber of Commerce  
Santa Clarita Valley Chamber of Commerce  
Simi Valley Chamber of Commerce  
Vista Chamber of Commerce  
West Ventura County Business Alliance

**Florida**

Stuart/Martin County Chamber of  
Commerce

**Georgia**

Dade County Chamber of Commerce  
Georgia Chamber of Commerce  
Greater Pooler Area Chamber of Commerce  
Habersham County Chamber of Commerce  
Murray County Chamber of Commerce  
Newton Chamber of Commerce

Taylor County Chamber of Commerce

### **Idaho**

Boise Metro Chamber  
Greater Idaho Falls Chamber of Commerce

### **Illinois**

Bolingbrook Area Chamber of Commerce  
Chicagoland Chamber of Commerce  
Cook County Black Chamber  
Dixon Chamber of Commerce & Main  
Street  
GLMV Chamber of Commerce  
Greater Springfield Chamber of Commerce  
Grundy County Chamber of Commerce &  
Industry  
Illinois Chamber of Commerce  
Illinois State Black Chamber of Commerce  
Quincy Area Chamber of Commerce  
RiverBend Growth Association  
Streator Chamber of Commerce

### **Indiana**

Indiana Chamber of Commerce  
Kendallville Area Chamber of Commerce  
LaGrange County Chamber of Commerce  
South Bend Regional Chamber  
Tipton County Chamber of Commerce  
Wayne County Area Chamber of Commerce

### **Iowa**

Atlantic Area Chamber of Commerce  
Iowa Association of Business and Industry  
Quad Cities Chamber of Commerce

### **Kentucky**

Cumberland County Chamber of Commerce  
Kentucky Chamber of Commerce

Union County Chamber of Commerce

### **Louisiana**

Central LA Regional Chamber of  
Commerce

### **Maryland**

Talbot County Chamber of Commerce

### **Massachusetts**

Metro South Chamber of Commerce

### **Michigan**

Battle Creek Area Chamber of Commerce  
Cadillac Area Chamber of Commerce  
Clare Area Chamber of Commerce  
Detroit Regional Chamber  
Flint & Genesee Chamber  
Grand Rapids Chamber  
Greater Niles Chamber of Commerce  
Lansing Regional Chamber  
Macomb County Chamber of Commerce  
Michigan Chamber of Commerce  
Michigan West Coast Chamber of  
Commerce  
Saginaw County Chamber of Commerce

### **Minnesota**

Delano Area Chamber of Commerce  
Laurentian Chamber of Commerce  
Marshall Area Chamber of Commerce  
White Bear Area Chamber of Commerce

### **Mississippi**

Cleveland-Bolivar County Chamber of  
Commerce

**Montana**

Montana Chamber of Commerce

**Nebraska**

Columbus Area Chamber of Commerce  
Kearney Area Chamber of Commerce  
Washington County Chamber of Commerce

**Nevada**

Carson City Chamber of Commerce  
Reno + Sparks Chamber of Commerce  
Vegas Chamber of Commerce

**New Hampshire**

Business & Industry Association (BIA) of  
NH

**New Jersey**

African American Chamber of Commerce of  
New Jersey  
GWACC Chamber of Commerce  
NJ State Chamber of Commerce

**New York**

Buffalo Niagara Partnership  
Business Council of NYS, Inc.

**North Carolina**

Caldwell Chamber  
Moore County Chamber of Commerce  
NC Chamber

**North Dakota**

Chamber Grand Forks / East Grand Forks  
Bismarck Mandan Chamber EDC

**Ohio**

Dayton Area Chamber of Commerce  
Greater Springfield Partnership  
Hilliard Area Chamber of Commerce  
Lima Allen County Chamber of Commerce  
Marion Area Chamber of Commerce  
Ohio Chamber of Commerce  
Toledo Regional Chamber of Commerce

**Oklahoma**

Broken Arrow Chamber of Commerce  
State Chamber of Oklahoma  
Tulsa Regional Chamber

**Oregon**

Gresham Area Chamber of Commerce  
North Clackamas Chamber of Commerce  
Oregon Business & Industry

**Pennsylvania**

Alle Kiski Strong Chamber  
Chamber of Business and Industry of Centre  
County  
Greater Latrobe-Laurel Valley Regional  
Chamber of Commerce  
Hanover Area Chamber of Commerce  
Mercer Area Chamber of Commerce  
Pennsylvania Chamber of Business and  
Industry  
Pittsburgh Airport Area Chamber of  
Commerce  
Schuylkill Chamber of Commerce

**Rhode Island**

East Greenwich Chamber of Commerce

**South Carolina**

South Carolina Chamber of Commerce

**South Dakota**

Belle Fourche Chamber of Commerce  
Greater Sioux Falls Chamber of Commerce

**Tennessee**

Kingsport Chamber  
Nashville Area Chamber of Commerce  
Tennessee Chamber of Commerce  
White House Area Chamber of Commerce

**Texas**

East Parker County Chamber of Commerce  
Fulshear Katy Area Chamber of Commerce  
Greater Arlington Chamber of Commerce  
Longview Chamber of Commerce  
Sherman Chamber of Commerce

**Virginia**

Blackstone Chamber of Commerce  
Central Fairfax Chamber of Commerce  
Hampton Roads Chamber  
Loudoun County Chamber of Commerce  
Lynchburg Regional Business Alliance

**Washington**

Burlington Chamber of Commerce  
Greater Lake Stevens Chamber of  
Commerce  
Mercer Island Chamber of Commerce  
Moses Lake Chamber of Commerce  
Puyallup Sumner Chamber of Commerce

**West Virginia**

West Virginia Chamber of Commerce

**Wyoming**

Campbell County Chamber of Commerce



November 7, 2023

*Submitted via [www.regulations.gov](http://www.regulations.gov)*

Amy DeBisschop  
 Director  
 Division of Regulations, Legislation, and Interpretation  
 Wage and Hour Division  
 U.S. Department of Labor  
 200 Constitution Avenue, N.W.  
 Room S-3502  
 Washington, DC 20210

**RE: Proposed Rule Defining and Delimiting the Exemption for Executive, Administrative, Professional, Outside Sales, and Computer Employees  
 RIN 1235-AA39; 88 Fed. Reg. 62152 (September 8, 2023)**

Dear Ms. DeBisschop:

The Partnership to Protect Workplace Opportunity (“PPWO”) submits these comments on the Department of Labor (“DOL” or “the Department”)’s proposal to raise the salary threshold for the executive, administrative, professional, outside sales, and computer employee exemptions (the “EAP exemption”) from the overtime requirements of the Fair Labor Standards Act (“FLSA”) (the “Proposed Rule”). The PPWO is a coalition of a diverse group of associations and other stakeholders representing employers from the private, nonprofit, and public sector with millions of “white collar” employees across the country in almost every industry who will be affected by the proposed changes.

The PPWO’s members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, career advancement opportunities for employees, and clarity for employers in classifying their employees under the FLSA. Unfortunately, as we describe below, if implemented as written, the Proposed Rule will result in large numbers of employees being reclassified as non-exempt, with significant consequences for both the reclassified employees and their employers. By way of example, the PPWO is deeply concerned that such reclassification will:

- Harm the ability of employers to provide, and employees to take advantage of, remote work and flexible scheduling options which have become increasingly popular since being introduced during the pandemic and also help alleviate the growing childcare crisis;
- Limit career advancement opportunities for employees;
- Reduce employee access to a variety of additional benefits, including incentive pay;
- Limit employers' ability to provide employees with mobile devices and remote electronic access, further limiting employee flexibility;
- Result in employees in the same job classification (for the same employer) being classified and treated differently based on regional cost-of-living differences, facility profitability, or other factors that impact budget;
- Force employees to be reassigned or let go as employers make operational changes needed to achieve the organization's mission under new pay and staffing paradigms;
- Trigger declines in employee morale, particularly in cases where peers remain exempt since exempt status is often seen as a higher status;
- Increase FLSA litigation based on off-the-clock and regular rate of pay claims; and
- Introduce other legal and operational issues, such as increased administrative costs.

Moreover, given the Department's proposal to increase the salary level on a triennial basis, these are not one-time issues. Rather, these issues will recur repeatedly, as employers decide with each salary threshold increase whether continued classification of an employee as exempt is worth the annual salary increase.

As a preliminary matter, the Department itself recognizes that the exemptions are premised on the belief that "exempted workers typically earn salaries well above the minimum wage and are presumed to enjoy other privileges to compensate them for their long hours of work. These include, for example, above-average fringe benefits and better opportunities for advancement, setting them apart from nonexempt workers entitled to overtime pay."<sup>1</sup> Yet, because the Proposed Rule would increase the salary level by nearly 70 percent, from \$35,568 annually to \$60,209 annually,<sup>2</sup> and

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<sup>1</sup> 88 Fed. Reg. 62154.

<sup>2</sup> At the outset, the PPWO objects to the Department's intentional lack of clarity as to what exactly it is proposing to set as the salary threshold for the EAP exemption. Although its press release claims that the Proposed Rule will increase the salary threshold to \$1,059 per week, or \$55,068 annually—itsself an increase of almost 55 percent—the Department buries in a footnote the fact that assuming a final rule is promulgated in the first quarter of 2024, the salary threshold would in fact be \$1,158 per week, or \$60,209 annually, an increase of \$24,641 per year. *See* 88 Fed. Reg. 62153 n. 3. While a final rule propounded in, say, the second quarter of 2024 would likely include an even higher threshold, these comments proceed from the assumption that the Department will issue a final rule in that first quarter, and use the Department's own prediction as to the likely amount of the threshold in a final rule issued at that time.



increase the highly-compensated exemption (“HCE”) from \$107,432 per year to \$143,988 per year (an increase of 34 percent), it would have the perverse effect of forcing many employers to take away the benefits and opportunities for advancement for those employees who will lose exempt status.

Due to these significant impacts the Proposed Rule likely will have on employers, the regulated community made hundreds of requests to extend the comment period to allow additional time to evaluate the consequences of this rulemaking. In rejecting those requests, the Department relied primarily on its assertion that it had engaged in “listening sessions” on the EAP exemption last year. These sessions are, of course, not part of the regulatory record. More important, these “listening sessions” did not include actual, concrete proposals upon which stakeholders could comment. “An” increase to the salary level is meaningless for analytical purposes; only when a dollar figure is attached can meaningful and valuable analysis take place. Furthermore, none of the points raised by employers during the listening sessions are reflected in the Proposed Rule.

Coupling the surprisingly high proposed salary level with its effort to permanently index that salary level, it is clear that the Department’s belief that 60 days is sufficient for comment is erroneous. If the Department was interested in obtaining the best possible information with which to assess the impact of its proposal, it would have given additional time for comment. Indeed, by denying the request for additional time in which to comment, the Department deprived the PPWO and others of the chance to provide crucial information to the agency, including hard data that would have been highly pertinent to its decision-making.

Finally, it bears note that the Department has propounded the Proposed Rule during a time of intense economic uncertainty, in which employers are experiencing extreme inflationary pressure in the marketplace. The Proposed Rule, which will dramatically increase costs for employers, could not come at a worse time.

At a time when more and more workers seek additional flexibility in their schedules and an ownership stake in their work, the Department’s proposal will return us to a 1940s mentality of clock-punching for all but the most highly paid employees. As detailed below, this result is bad for employees, bad for employers, and bad for the economy. We urge the Department to reconsider its decision to proceed with such a disruptive rulemaking.

Before turning to analysis of the Proposed Rule, a brief review of the Department’s recent history on this topic is instructive.

**I. The Department’s Prior Attempt to Impose a Similar Formula to Increase and Index the EAP Exemption Salary Threshold Demonstrates that the Proposed Rule Is Unlikely to Withstand Judicial Scrutiny.**

In 2016, the Department promulgated a final rule (the “2016 Final Rule”) which pegged the EAP exemption threshold to the 40<sup>th</sup> percentile of weekly earnings for full-time salaried workers in the lowest wage Census Region (the South). That rule raised the minimum salary level

for the EAP exemption to \$913 per week, or \$47,476 annually—more than double the then-existing threshold.<sup>3</sup> The 2016 Final Rule was challenged in the U.S. District Court for the Eastern District of Texas.<sup>4</sup> The court enjoined and later vacated the rule, concluding that its unprecedentedly high minimum salary threshold essentially negated the “duties test” for the exemption in contravention of the FLSA. As the court explained:

Specifically, the Department’s authority is limited to determining the essential qualities of, precise signification of, or marking the limits of those “bona fide executive, administrative, or professional capacity” employees who perform exempt duties and should be exempt from overtime pay. *With this said, the Department does not have the authority to use a salary-level test that will effectively eliminate the duties test as prescribed by Section 213(a)(1)* ... Nor does the Department have the authority to categorically exclude those who perform “bona fide executive, administrative, or professional capacity” duties based on salary level alone. *In fact, the Department admits, “[T]he Secretary does not have the authority under the FLSA to adopt a ‘salary only’ test for exemption.”*

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The Final Rule more than doubles the Department’s previous minimum salary level, increasing it from \$455 per week (\$23,660 annually) to \$913 per week (\$47,476 annually). *This significant increase would essentially make an employee’s duties, functions, or tasks irrelevant if the employee’s salary falls below the new minimum salary level. As a result, entire categories of previously exempt employees who perform “bona fide executive, administrative, or professional capacity” duties would now qualify for the EAP exemption based on salary alone.*<sup>5</sup>

In simplest terms, the court found that the 2016 Final Rule’s salary threshold—which was significantly less than the salary level set forth in the Proposed Rule—violated the FLSA by “essentially mak[ing] an employee’s duties, functions or tasks irrelevant” for a wide swath of workers, in contravention of clear Congressional intent.<sup>6, 7</sup> That the Department now expects the adoption of an even higher threshold only a few years later to pass muster is at best optimistic, and at worst disingenuous. As set forth below, for the same reasons that the 2016 Final Rule was found to be unlawful, a final rule that materially resembles that which the Department has proposed is

<sup>3</sup> It also increased the so-called “highly-compensated exemption” (“HCE”) to \$134,000 annually—an increase of 34 percent, and, as the Proposed Rule does, included a triennial automatic escalator clause.

<sup>4</sup> See *Nevada v. U.S. Department of Labor*, 275 F. Supp. 3d 795 (E.D. Tex. 2017) (holding that 2016 Final Rule exceeded DOL’s authority under FLSA).

<sup>5</sup> *Id.* at 805 (emphases added).

<sup>6</sup> *Id.* at 806.

<sup>7</sup> Subsequent to the invalidation of the 2016 Final Rule, the Department promulgated a final rule in 2019 which raised the salary threshold to the current \$684 per week or \$35,568 annually, and increased the HCE to its current \$107,432 per year.

highly likely to meet a similar fate. The Department should abandon this ill-timed and unnecessary effort.

**II. The Minimum Salary Level Proposed by the Department Is Excessively High to Satisfy its Gatekeeper Function, Is Inappropriately Disruptive to Employers with National Operations, and Will Harm the Very Employees the Department Purports to Protect.**

The proposed salary level, which would be higher than the exempt salary levels set under state law in almost every state in the union, is far too high to effectuate its historical “gatekeeping” purpose. It will force employers to make classification decisions that ignore regional economic differences and will cause significant disruption in the workplace. The wage costs, administrative expenses, and intangible consequences of the Department’s proposal will be significant, particularly when considered against the fact that if the Department’s estimate of impact is correct—which it is not—some 85 percent of the employees potentially impacted by this rulemaking will see no change in compensation and no change in hours worked.<sup>8</sup>

**A. The Department’s Proposed Minimum Salary Is Too High to Achieve Its Historical, Gatekeeping Purpose.**

The Department has long recognized the “salary level’s historic function of screening obviously non-exempt employees from the exemption, a ‘principle [that] has been at the heart of the Department’s interpretation of the EAP exemption for over 75 years.’”<sup>9</sup> That is, the salary level should be set at a level at which the employees below it clearly would not meet any duties test; above the level, employees would still need to meet a duties test in order to qualify for exemption. In setting the proposed level as high as it has, however, the Department has turned this analysis on its head. The Department seems to be setting the salary level at a point at which all employees above the line would be exempt, turning the salary level from its historical role as a screening device into the *de facto* sole test and a mechanism for greatly limiting the ability of employers to avail themselves of these exemptions. Indeed, built into the Department’s (erroneous) assumption that litigation will decrease as a result of this rulemaking is the belief that employees above the line will be more clearly exempt.<sup>10</sup> That has never been the Department’s goal in setting the salary level.

Such a dramatic departure from the historical purpose of the salary level will have far-reaching consequences. The Department’s proposed minimum salary level will force employers to reclassify positions that clearly meet the duties test where the nature of the industry (*e.g.*, non-

<sup>8</sup> See 88 Fed. Reg. 62195 (roughly 85 percent of workers potentially impacted by salary level change do not usually work overtime).

<sup>9</sup> *Id.* at 62165 (citing *Defining and Delimiting the Exemption for Executive, Administrative, Professional, Outside Sales, and Computer Employees; Final Rule*, 84 Fed. Reg. 51230, 51241 (September 27, 2019)).

<sup>10</sup> See *id.* at 62157 (“The Department has long recognized that the salary level test is a useful criterion for identifying bona fide EAP employees and providing a practical guide for employers and employees, thus tending to reduce litigation...”).

profit, or many employers in the health care industry)<sup>11</sup> or the regional economy cannot justify a salary increase.

Where 1.6 million positions that meet the duties test will need to be reclassified (or have their salaries increased) as a result of the salary level, the new salary level ceases to function as a gatekeeper. The Department should reconsider its proposal and, to the extent that an increase to the minimum salary level is deemed to still be appropriate, that salary level should be set in accordance with the historical purpose of the salary level test—to exclude clearly non-exempt employees from further analysis.

**B. The Department’s Proposed Minimum Salary Level Fails to Account for Regional Economic and Market Differences.**

Despite the Department’s suggestion to the contrary, the methodology for determining the salary threshold set forth in the Proposed Rule fails to account for regional differences.<sup>12</sup>

As the Department is well aware, the federal government considers geographic variations when setting the compensation levels for its own employees. Among some of the highest compensation levels set by the federal government are those in California and New York.<sup>13</sup> Setting a salary level that approximates the minimum level determined in some of the highest-cost regions in the country demonstrates just how far removed from the historical role of the salary level test the Department’s proposed salary level is.

The Department’s own estimate suggests that under the Proposed Rule, fully one-quarter of salaried workers will have their exemption status determined by the salary test alone.<sup>14</sup> While this may be true on a national basis, it is equally true that a much higher proportion of workers in lower-wage areas and those outside of large metro areas will be classified as exempt (or not) based solely on the salary threshold; there are substantial pay differences based on geographical region and pay differences between larger and smaller cities that are unlikely to be related to differences in job duties. Indeed, one estimate suggest that for many jobs, including occupations in which the Department assumes (based on dated and faulty data, discussed below) that the vast majority of workers in such jobs pass the duties test, the Proposed Rule’s increased salary threshold is not a “gatekeeper” but rather the alpha-and-omega of their exempt status.<sup>15</sup>

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<sup>11</sup> It bears particular note that the Proposed Rule neglects to consider the practical impact of its draconian increases on those employers who cannot offset higher wages or additional overtime by simply raising their prices. For example, non-profits often rely on donations and grants to maintain their revenues; these sources of income will not be increased simply because the Department raises the EAP exemption threshold. Similarly, health-care employers often largely depend on reimbursements from Medicare, Medicaid, and private insurance which, again, are unlikely to increase simply because the Department adjusts its regulations.

<sup>12</sup> See 88 Fed. Reg. 62167.

<sup>13</sup> For example, in 2023, the federal government provides a locality pay differential of 36.16 percent for employees in the New York metropolitan areas and 44.15 percent for employees in the San Francisco area.

<sup>14</sup> See 88 Fed. Reg. 62158.

<sup>15</sup> See Stephen G. Bronars, Ph.D. & Deborah K. Foster, Ph.D., Edgeworth Economics, “Regional Implications of DOL’s White-Collar Exemption Notice of Proposed Rulemaking” (Oct. 24, 2023), available at:

For example, in ten job categories in which the Department assumes employees are highly likely (90 to 100 percent) to pass the duties test, between 24 and 40 percent of them on a national basis will fail to meet the Proposed Rule's increased salary threshold.<sup>16</sup> With respect to employees in the South and Midwest Census regions, that range increases to 28 to 48 percent—almost half.<sup>17</sup> And with respect to employees working in the South and Midwest regions outside large metro areas, somewhere between 34 and 70 percent of workers will fail to meet the increased salary threshold.<sup>18</sup>

This effective elimination of the exemption for certain low-cost-of-living areas of the country makes clear that the Department is once again exceeding its statutory authority. Congress directed the Department to define and delimit the terms in the statute; it cannot possibly have meant that the Department should effectively eliminate the exemption in certain regions. But because the minimum salary has been proposed at such a high level, that is precisely what the Department is doing. The South and Midwest will be placed at a competitive disadvantage to other regions; employers in urban areas will be able to maintain exempt employees at a rate that far exceeds rural areas.

These facts are especially troubling insofar as the Department's impact calculations rely on outdated and flawed data. The Department's predictions as to the probability of employees passing the duties test are based on a 1999 study of the General Accounting Office, which itself relied upon information provided by DOL in the 1990s—more than three decades ago.<sup>19</sup> The Census Bureau has since updated occupation classifications on several occasions during this time to reflect the realities of the 21<sup>st</sup> century workforce; nevertheless, the Department continues to apply 1999 probability ranges that may bear little to no resemblance to jobs in the current labor market.

Nor will the impact of the proposed salary level simply be limited to employers in the lower-cost-of-living regions in the country. Many employers with national operations will be impacted as well. Because the cost of living varies greatly throughout the country, employers often have different salaries for the same job position depending on where the employee works, similar to how the federal government operates. The job duties are precisely the same. The only thing that differs is location.

For example, an employee in New York City will have a higher cost of living than an employee working in Knoxville, Tennessee. Accordingly, the employer may provide the employee in New York with a higher salary than the employee with the same job title and job responsibilities in Knoxville. With the Department's proposed increase to the minimum salary

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<https://www.edgewortheconomics.com/publication-6501> (last visited October 20, 2023). Indeed, over 100 million people—more than 30 percent of the U.S. population—live in the South and Midwest but not within large metro areas. For these individuals, the Proposed Rule's salary threshold exceeds the 40th percentile of full-time salaried pay, and one-third of them in jobs which the Department predicts will routinely pass the duties test will not satisfy the salary threshold. *See id.*

<sup>16</sup> *See id.*

<sup>17</sup> *See id.*

<sup>18</sup> *See id.*

<sup>19</sup> *See* 88 Fed. Reg. 62188.

level, that employer may now need to decide whether the economics of the Knoxville location justify an increase to the new salary level or whether the Knoxville position will need to be reclassified as non-exempt. This again demonstrates the Department's significant departure from the traditional role of the salary test. In too many of these instances, salary, rather than job duties, will determine exempt status, in contravention of both the text and the purpose of the FLSA.

**C. The Department's Proposed Minimum Salary Will Negatively Impact the Ability of Employees to Work in Part-Time Capacities.**

The Department's proposed increase to the minimum salary level will negatively impact the ability of employers to provide part-time exempt positions. Although the current regulatory scheme does not permit part-time exempt employees on a *pro rata* basis, the PPWO believes that such an adjustment is necessary under the proposed salary level to ensure that these types of positions can remain exempt and, therefore, continue to be offered.

Because it is not clear from the Department's statements in the preamble that it fully understands this issue, we provide the following example. Under the current regulations, an employee who performs tasks that clearly meet one or more of the exemption duties tests can be classified as exempt so long as his or her salary exceeds \$35,568 per year. Thus, a part-time employee working a 50 percent schedule can qualify as exempt so long as they work in a position that has a full-time salary of approximately \$72,000 per year. This is true not because the full-time equivalent salary is \$72,000, but because the half-time salary of \$36,000 is still in excess of the regulatory minimum.

Under the Department's proposed minimum salary level, that employee would no longer qualify for exemption. Instead, in the first year under the Department's proposal, an employee working a 50 percent schedule would need to be working in a position earning more than \$120,500 on a full-time basis. Obviously, without a *pro rata* provision, the number of employees who will be eligible for part-time exempt employment will be significantly limited. This limitation will have a disproportionate impact on women in the workplace, and, in particular, will likely impact mothers who may be seeking to re-enter the workplace as professionals, but not on a full-time basis. Similarly, older workers looking to pursue a phased retirement would likely be disadvantaged by the Department's increased minimum salary level.

If the Department fails to implement a *pro rata* provision, the proposed increase to the minimum salary level will create two classes of employees performing the same work: full-time exempt employees and part-time non-exempt employees. Employers will be unable (for practical purposes) to take a consistent approach to a job because it simply is not feasible to reclassify entire positions as non-exempt due to the issues related to part-time employees. As a result, however, individuals working side-by-side would be subject to different rules and obligations simply because one is a full-time employee, and one is a part-time employee. Although fairness, and the nature of their work, should dictate that such colleagues be treated the same, the Department's proposed salary level would all but require the part-time employee to be treated differently. Teamwork, productivity, and morale will undoubtedly suffer.

In addition to the likely stigma associated with the different classification decisions based on full-time vs. part-time, the Department's proposed salary level would deprive employers of the ability to offer the types of flexible work and scheduling opportunities that are crucial to meeting the demands of the modern workplace. Punching a clock is not conducive to allowing employees to build their schedules around their personal or family needs and preferences. Many job-sharing and part-time opportunities, as well as seasonal positions, will be diminished if an employer cannot classify those positions as exempt.

If the Department permitted the salary to be pro-rated, however, employers would be far more likely to allow such arrangements. We therefore urge the Department to add a *pro rata* provision to the regulations, regardless of the salary level ultimately adopted in a final rule.

**D. The Department's Proposed Salary Level Will Negatively Impact Employee Compensation, Flexibility, and Morale.**

In creating conditions in which employees must be reclassified to non-exempt status, the Department's proposed salary level will negatively impact many employees' ability to earn incentive compensation. When employees are converted to non-exempt status, they often find that they have lost their ability to earn incentive pay. Under existing rules for calculating overtime rates for hourly workers, many incentive payments must be included in a non-exempt employee's "regular rate" (*i.e.*, the base rate for overtime) of pay. Faced with the difficult calculation (and recalculation) of these overtime rates—sometimes looking back over every pay period in a year—employers often simply forgo these types of incentive payments to nonexempt employees rather than attempt to perform the required calculations.

Although reclassification as a non-exempt employee often has such economic consequences for an employee, reclassification is not limited to those economic consequences. The change to non-exempt status means that many employees also will lose the ability to structure their time to address needs such as attending their child's school activities or scheduling doctors' appointments. Many other employees will lose the opportunity to work from home or remotely, as it can be difficult for employers to track employees' hours in those situations. Employers may also cease providing employees with mobile devices, as any time spent checking them would now have to be accounted for.

In addition, employees often view reclassifications to non-exempt status as "demotions." Particularly where other employees within the same organization will continue to be exempt (due to regional economic variations or full-time status), it is easy to see why. The non-exempt employee will now need to account for their time in a way they have not had to previously, and in a way that their exempt co-workers do not. In addition, because of the increased attention that must be paid to the hours worked by the non-exempt employee, they are likely to be at a competitive disadvantage to the exempt employee in the same role. Many training opportunities will now become compensable time under the FLSA and where those opportunities would put the non-exempt employee into an overtime situation, their access to those opportunities may be limited; the same is not so for their exempt colleague.

Similarly, the non-exempt employee may be limited in their ability to “get it done” now that they must record and account for all hours worked. These types of intangibles—being known as someone who “just gets the job done”—are often considered in whether an employee receives a promotion, bonus, or training opportunity. As a result of the Department’s dramatically increased proposed minimum salary level, career advancement may become more a function of where an employee *sits* than what they actually *do*.

The importance of this issue is worth repeating here: the Department fails to sufficiently acknowledge the reality that many workers view their exempt status as a symbol of their success within the company. In fact, even when all other aspects of the work remain the same and even when their overall compensation increases with the addition of overtime pay, employees frequently view the transition from exempt to non-exempt as a demotion. Far from being enthusiastic, members of the PPWO have described reclassified employees as feeling like they were being disciplined and distraught over being reclassified.

**E. Any Increase in the EAP Exemption Salary Threshold Should Be Phased in Over Time and the Department Should Provide an Extended Effective Date.**

Despite the numerous negative impacts that would result from increasing the salary to the Department’s suggested level, should it nevertheless decide to increase the salary, the PPWO believes the Department should do so incrementally.<sup>20</sup> Specifically-identified interim levels, spread out over the course of several years, will ensure a smooth and compliant transition and will allow employers the necessary time to adjust their budgets, revenues, and work flows to minimize disruption. As currently proposed, the Department’s minimum salary level would increase almost 70 percent in an extraordinarily short amount of time.

In addition, due to the rapid nature of the required increase, employers may make classification decisions today that they would not make if the increase was phased in over multiple years. A gradual and previously specified increase would allow employers the ability to prepare for the changes in a way that makes more economic sense. It also would allow employers to determine with additional certainty how many overtime hours are actually being worked by employees in the \$35,568 to \$60,209 range. Currently, because many of these exempt employees do not record their time, employers are faced with an information deficit. Without information regarding these hours, employers will need to guess at how many hours are worked; those guesses will almost certainly account for more overtime than will actually be worked, resulting in a net loss of income to impacted employees.<sup>21</sup>

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<sup>20</sup> Additionally, if the minimum salary level is increased from its current level, the Department should ensure that such an increase is consistent with 2004 levels. In 2004, the Department set the minimum salary level at an amount which at that time represented the 20th percentile for salaried employees in the South geographic region and retail industry. While adjusting the 2004 data for inflation would be consistent with the FLSA, it would be equally consistent to use the 2004 methodology and exclude higher wage mid-Atlantic states in the South Census Region, the inclusion of which results in a higher minimum salary level than would otherwise be the case.

<sup>21</sup> Assuming that an employer attempts to compensate a reclassified employee at approximately the same level as prior to the reclassification, any new salary will be based on an understanding of how many overtime hours will be worked.



By allowing a gradual increase, an employer can begin gathering the necessary data to ensure as smooth a transition as possible and to therefore minimize the monetary impact on both the employee and the business. Although many of the same issues will exist with respect to morale, flexibility, and opportunity, a gradual, phased-in implementation of the new minimum salary would reduce the financial disruption experienced by both employers and employees.

Additionally, given the dramatic increase proposed to the standard salary level, employers will need a significant period of time to comply with these new requirements. It is simply not reasonable to expect employers to assess the impact, plan, and implement appropriate and affordable changes to employees' exempt status, salaries, and job structures all within the time frames the Department has provided, especially when its own estimates indicate that 3.4 million employees nationwide will be impacted by the nearly 70 percent increase in the minimum salary threshold.

Employers will need to familiarize themselves with the final regulation, analyze their workforce, and determine how to comply. This process will require employers to identify all exempt employees earning a salary less than the new required level; evaluate whether to comply by providing a salary increase or reclassifying some or all of such employees to non-exempt; decide whether to pay reclassified employees on an hourly or salaried basis; and draft new compensation plans for reclassified employees. Employers will also need to evaluate whether they need to limit the hours employees work; whether they can still afford to pay bonuses; what adjustments are necessary to benefit plans; and how they will set the new hourly rates or salaries. Finally, employers will need time to communicate the changes to employees and implement the changes.

For these reasons, the PPWO requests that regardless of what new salary level the Department chooses, it set an effective date for 12 to 18 months after publication of the final rule.

**F. The Department Should Not Increase the Minimum Required Salary for Application of the Highly Compensated Employee Exemption.**

For many of the same reasons discussed above with respect to the standard salary level, the Department should not increase the minimum salary required for application of the HCE exemption. When the Department last adjusted the HCE in 2019, it provided for an increase of roughly 7.4 percent over the existing standard. The Proposed Rule would increase the current standard to \$143,988, a 34 percent increase, and would increase the gap in real dollars between the standard level and the HCE exemption from roughly \$71,900 to almost \$89,000.

Increasing the HCE threshold—and increasing the gap between the standard salary threshold and the HCE threshold—will require employers to dedicate significant resources on administrative, human resources, and legal efforts to determine more precisely whether an employee meets exempt status for employees who (by definition) earn in excess of \$140,000.

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Should that understanding be higher than the actual number of overtime hours worked after reclassification, the affected employee will earn less than he or she did prior to reclassification.

Employers will be faced with the task of reviewing the basis on which each employee was accorded exempt status, including employees for whom the exempt status decision was made a decade ago and who may be among the most highly paid employees in the company. The specific reasons why each position is classified as exempt will need to be revisited, and there may not be sufficient records explaining whether an employee is exempt pursuant to application of the HCE test or whether the exempt status is based on application of the standard exempt criteria. A significant amount of administrative effort will be needed to determine that an employee who had been classified as exempt through application of the HCE test remains exempt under application of the standard duties test.

Moreover, although the sample size is significantly smaller, the issues associated with raising the standard threshold discussed at length above remain the same: for example, regional variations within the same business may result in different employees in the same classification being treated differently from an exemption perspective based almost entirely on the location in which they work. In addition, when HCE employees must be reclassified as non-exempt, the issues associated with that reclassification are compounded by the increased compensation level and status of such positions within the business. These employees are likely to have various levels of advanced education and have come to expect to be treated as salaried professionals.

The reasons raised with respect to the Proposed Rule's increase in the standard salary threshold apply in equal force to the HCE threshold. Both counsel the Department to withdraw and rethink the rule in its entirety.

**G. The Proposed Rule Will Have a Devastating Impact on the Economy of Puerto Rico; the Current Salary Threshold There Should Be Maintained.**

The Proposed Rule would apply the new, increased salary threshold for the standard exemption to a number of U.S. territories, most notably, Puerto Rico. This despite the fact that Congress has made clear its intent that the economy of Puerto Rico merits special treatment with respect to the EAP salary threshold, and that in 2019, the Department, cognizant of this fact, elected not to increase the threshold for Puerto Rico and other territories. The Department should adopt a similar approach in this rulemaking, and absent direction from Congress, maintain the existing salary threshold for these territories generally and Puerto Rico specifically.

The current salary threshold for Puerto Rico is a special salary level most recently reaffirmed in the Department's 2019 final rule, \$455 per week (reflecting the rate then in effect when the Department overhauled the overtime regulations in 2004). As such, the Proposed Rule would increase the standard salary level by a staggering \$703 per week—an increase of over 150 percent from its current level.

When the Department last attempted to raise the EAP salary exemption in Puerto Rico to the standard rate, Congress took decisive action to prevent it from doing so. Specifically, when the Department proposed extending the standard rate to Puerto Rico in its 2015 proposed rule,

Congress responded by enacting the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”) which, among other things, provided that the then-proposed increase in the standard salary level would have no force or effect in Puerto Rico unless and until the Department provided a determination that applying this salary level would have no negative impact on the economy of Puerto Rico.<sup>22</sup> When the Department next updated the EAP salary level in 2019, it recognized “Congress’s apprehension with increasing the salary level in Puerto Rico,” and, in light of the “current economic climate,” set a special salary level that mirrored that which was applied under PROMESA.<sup>23</sup>

The Proposed Rule would apply the new salary level in Puerto Rico simply because it is in “accordance with the Department’s longstanding practice, and in the interest of applying the FLSA uniformly to all employees subject to the Federal minimum wage,”<sup>24</sup> despite the fact that “the salary levels for the U.S. territories have not changed since 2004, and it understands that U.S. territories face their own economic challenges,” and that these increases “will be more pronounced” in these territories.”<sup>25</sup> The Proposed Rule would make these changes even though, as the Department expressly recognizes, “data are not available to conduct a full analysis of impacts in the territories.”<sup>26</sup>

The Proposed Rule would increase the salary exemption threshold in Puerto Rico by more than 150 percent—effectively eliminating the functions of the duties test throughout the territory. Moreover, the proposed salary level would surpass the 90th percentile of Puerto Rico’s wage distribution, effectively eliminating the availability of the exemption entirely. The Department admits it has no data or analysis to support this effort, and has not made any attempt to engage in such analysis. As such, its attempt to wreak devastating economic consequence in the interest of “consistency” because it claims that this is the Department’s “longstanding practice” should be rejected and omitted in any final rule the Department promulgates.

### **III. The Proposed Rule’s “Indexing” Provisions Violate the FLSA and the APA, Are Contrary to Congressional Intent and the Department’s Own Prior Position, and Fail to Contemplate Its Practical Economic Impacts.**

As it did in the failed 2016 Final Rule, the Department again proposes to automatically adjust the EAP exemption salary threshold on a triennial basis. As it lacked the statutory basis under the FLSA to do so then, it so does now. Similarly, as it then lacked the capacity to adjust the minimum salary thresholds without complying with the notice-and-comment requirements of the APA as expressly required by the FLSA, it again lacks that capacity. Finally, just as its prior effort failed to contemplate the practical economic impact of an auto-escalation provision, its current effort again fails to do so. For each of these reasons the Department should abandon any effort to automatically increase the EAP salary threshold in any final rule.

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<sup>22</sup> See 48 U.S.C. § 2193.

<sup>23</sup> 84 Fed. Reg. 51246.

<sup>24</sup> 88 Fed. Reg. 62175.

<sup>25</sup> *Id.* at 62175, 62192.

<sup>26</sup> *Id.* at 62192.

**A. The FLSA Does Not Permit the Department to Adopt Automatic Indexing of the EAP Exemption Salary Level.**

First and foremost, the Department lacks the statutory authority under the FLSA to automatically index the EAP exemption salary threshold. The plain terms of 29 U.S.C. § 213(a)(1) authorize the Secretary of Labor to “define[] and delimit[]” the meaning of the executive, administrative, or professional categories “from time to time by regulations.”<sup>27</sup> To be sure, this authorizes the Secretary to revise the regulations setting forth the functions encompassed within a “bona fide executive, administrative, or professional” capacity. But even if increasing the Department’s long-standing salary threshold by almost 70 percent bears some plausible connection to changes in duties performed by exempt employees today—and it does not—there is no reasoned basis to conclude that automatic revisions to the threshold, which will be triggered only three years after a new threshold is set, will have anything to do with changes in duties. To the contrary, the indexing provision in the Proposed Rule is tied exclusively to a percentile of average salary levels for salaried employees, in a specific part the country, regardless of duties. Thus, the indexing provision in the Proposed Rule is utterly unmoored from the focus on the duties an employee performs that Congress specified in the FLSA and intended to serve as the lodestar for the Secretary to use in updating these regulations.

In light of this fact, it is perhaps unsurprising that the Department has previously expressly disclaimed that it has the authority to use indexing when setting the salary level under the FLSA’s overtime provisions. In 2004, the DOL stated that adopting a method of automatic increases is “contrary to congressional intent and inappropriate”<sup>28</sup> and that “the Department [found] nothing in the legislative or regulatory history that would support indexing or automatic increases.”<sup>29</sup> DOL further explained that such an action is not only contrary to Congressional intent, but would disproportionately impact lower-wage geographic regions and industries:

[S]ome commenters ask the Department to provide for future automatic increases of the salary levels tied to some inflationary measure, the minimum wage or prevailing wages. Other commenters suggest that the Department provide some mechanism for regular review or updates at a fixed interval, such as every five years. Commenters who made these suggestions are concerned that the Department will let another 29 years pass before the salary levels are again increased. The Department intends in the future to update the salary levels on a more regular basis, as it did prior to 1975, and believes that a 29-year delay is unlikely to reoccur. The salary levels should be adjusted when wage survey data and other policy concerns support such a change. ***Further, the Department finds nothing in the legislative or regulatory history that would support indexing or automatic increases.*** Although an automatic indexing mechanism has been adopted under some other statutes, Congress has not adopted indexing for the Fair Labor Standards Act. In

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<sup>27</sup> 29 U.S.C. § 213(a)(1).

<sup>28</sup> 69 Fed. Reg. 22172.

<sup>29</sup> *Id.* at 22171.

1990, Congress modified the FLSA to exempt certain computer employees paid an hourly wage of at least 6½ times the minimum wage, but this standard lasted only until the next minimum wage increase six years later. In 1996, Congress froze the minimum hourly wage for the computer exemption at \$27.63 (6½ times the 1990 minimum wage of \$4.25 an hour). In addition, as noted above, *the Department has repeatedly rejected requests to mechanically rely on inflationary measures when setting the salary levels in the past because of concerns regarding the impact on lower wage geographic regions and industries. This reasoning applies equally when considering automatic increases to the salary levels. The Department believes that adopting such approaches in this rulemaking is both contrary to congressional intent and inappropriate.*<sup>30</sup>

At no point since Congress authorized the Department to issue regulations delimiting the FLSA’s section 13(a)(1) exemption has Congress granted the Department the authority to index its salary test. Congress could have provided such authority if it desired the Department to have it; Congress has permitted indexing expressly in other statutes, including the Social Security Act (which preceded the passage of the FLSA and was amended to add indexing in 1975) and the Patient Protection and Affordable Care Act. Congress clearly knows how to expressly authorize indexing when that is what it wants, including in the labor context.<sup>31</sup> Yet Congress, despite full knowledge of the fact that the Department has increased the salary level required for exemption on an irregular schedule, has never amended the FLSA to permit the Department to index the salary level.

The Proposed Rule cannot avoid the plain fact that neither 29 U.S.C. § 213(a)(1) specifically or the FLSA generally contain language explicitly or implicitly suggesting that the Department is empowered to automatically update the salary threshold. Undeterred, the Department relies only upon the purported “broad authority” of the Secretary,<sup>32</sup> and appears to take the position that Congress has implicitly left a “gap”<sup>33</sup> for DOL to fill. Based solely upon this attenuated reasoning, the Department concludes that it may set adjustments to the salary threshold on autopilot because Congress has failed to expressly *prohibit* them from doing so. This puts it exactly backwards. Courts “do not merely presume that a power is delegated if Congress does not

<sup>30</sup> *Id.* at 22171-72 (emphases added).

<sup>31</sup> *See, e.g.*, 29 U.S.C. § 1083(c)(7)(D)(vii) (indexing amount of excess employee compensation related to minimum funding standards for single-employer defined benefit pension plans); *cf.* 16 U.S.C. § 497c(b)(3) (indexing ski area permit rental charges); 43 U.S.C. § 1337(a)(3)(C)(vii) (indexing oil and gas leases).

<sup>32</sup> 88 Fed. Reg. 62178.

<sup>33</sup> *Id.* This interpretation wholly ignores the fact that Congress has not indexed the minimum wage, 29 U.S.C. § 206, the hourly wage for computer employees, 29 U.S.C. § 213(a)(17), or the annual compensation for “nonprofit parents,” 29 U.S.C. § 213(b)(24). Therefore, far from leaving a “gap” for the Department to fill, the absence of express statutory language authorizing indexing in section 213(a)(1), especially in light of other provisions elsewhere in the United States Code, firmly establishes that Congress never authorized indexing to evade the requirement to define and delimit the EAP exemption “from time to time by regulation.”

expressly withhold it, as then ‘agencies would enjoy virtually limitless hegemony, a result plainly out of keeping with *Chevron* and quite likely with the Constitution as well.’”<sup>34</sup>

The Department cannot support its overbroad interpretation of the Secretary’s authority “merely by demonstrating that ‘a statute does not expressly *negate* the existence of a claimed administrative power (*i.e.*, when the statute is not written in ‘thou shalt not’ terms).’”<sup>35</sup> Surely, “Congress could not have intended to delegate a decision of such economic and political significance to an agency in so cryptic a fashion.”<sup>36</sup> The Department’s attempt to evade future rulemaking requirements by automatically indexing future overtime increases finds no support in the FLSA. This alone should doom the effort.

## **B. Automatic Indexing of the Salary Threshold Violates the Administrative Procedure Act’s Notice-and-Comment Requirements.**

The FLSA likewise prohibits the Department from bypassing the regulatory processes required under the statute for updating the salary threshold—an independent, if not unrelated, reason the Proposed Rule’s automatic indexing provision is unlawful.

With certain exceptions that are not relevant here, the Administrative Procedure Act (APA) mandates that agency rules having the force and effect of law must go through the notice and comment process.<sup>37</sup> The “notice-and-comment provisions of the APA enable the agency promulgating a rule to educate itself before establishing rules and procedures which have a substantial impact on those regulated.”<sup>38</sup> The Proposed Rule’s indexing provision fails to comply with requirements of the APA that are expressly incorporated in 29 U.S.C. § 213(a)(1) of the FLSA. Under that provision, the only power granted to the Secretary by Congress is the authority to define and delimit the exemption “by regulations” promulgated expressly “*subject to* subchapter II of chapter 5 of title 5 [the rulemaking requirements imposed by the APA]” (emphasis added).<sup>39</sup>

The Proposed Rule’s indexing provision will force the salary level test to automatically adjust every three years, thus evading notice and comment on the change and other APA requirements explicitly required by the text of the FLSA. The only support for this proposition comes in the Department’s summary conclusion that since it has only sporadically updated the EAP threshold in the past, an automatic update would be a more “viable and efficient” means of increasing the salary threshold going forward. But the APA’s notice and comment provisions must be followed regardless of whether an agency finds them inconvenient.<sup>40</sup> Nor can the Department

<sup>34</sup> *Contender Farms L.L.P. v. U.S. Dep’t of Agriculture*, 779 F.3d 258, 269 (5th Cir. 2015)(quoting *Texas v. U.S. Department of the Interior*, 497 F.3d at 502); accord *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (“[A]n agency literally has no power to act ... unless and until Congress confers power upon it”).

<sup>35</sup> *Id.* (quoting *Ry. Labor Execs.’ Ass’n v. Nat’l Mediation Bd.*, 29 F.3d 655, 671 (D.C. Cir. 1994) (en banc; emphasis in the original)).

<sup>36</sup> *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 160 (2000).

<sup>37</sup> See 5 U.S.C. § 553(b), (c).

<sup>38</sup> *Global Van Lines, Inc. v. ICC*, 714 F.2d 1290, 1299 n.9 (5th Cir. 1983).

<sup>39</sup> 29 U.S.C. § 213(a)(1).

<sup>40</sup> See *U.S. Steel Corp. v. EPA*, 595 F.2d 207, 214 (5th Cir. 1979) (discussing 5 U.S.C. § 553(b)(B)).

avoid its APA obligations simply because they take time and resources; an agency cannot “exercise its authority ‘in a manner that is inconsistent with the administrative structure that Congress has enacted into law’” no matter how difficult the issue it seeks to address.<sup>41</sup>

The DOL cannot lawfully put the salary level test on autopilot and effectively immunize itself from the procedural obligations of the APA. Indeed, in prior rulemaking efforts, the DOL took a position consistent with the APA that changes to the salary level test should be data dependent. “The salary levels should be adjusted when wage survey data and other policy concerns support such a change.”<sup>42</sup> Now, the salary level will mechanically adjust every three years without any rulemaking under the APA, without examination of the necessity or justification for an increase, and without any input from the public, the regulated community, or any other affected parties.

Any increase in the salary threshold must be based upon the comments submitted and the actual facts and information existent at the time of the increase, and the importance of notice-and-comment on those adjustments should not be understated. In 2004, the comment process resulted in increases to both the proposed standard salary level and the proposed HCE salary level and in 2016 the comment process resulted in decreases to the standard salary level and the HCE salary level. The Department is not omniscient on these issues, and automatic increases to the salary level are inconsistent with both its statutory authority and with its long-held understanding of the salary level’s purpose of serving a gatekeeper function. Finally, adjusting the salary level ignores utterly the importance of the duties test in determining the metes and bounds of the EAP exemption: put simply, how can it be the case that an employee is “clearly exempt” on December 31 and “clearly non-exempt” on January 1 of the following year because of the rate of inflation or some other indexing calculation? A gate need not be replaced on an annual basis to ensure that it functions properly; only when it approaches the end of its usefulness does it need to be “fixed.”

Current regulatory processes also require the Department to follow the Regulatory Flexibility Act and to undertake a detailed economic and cost analysis of any proposed update. An automatic update mechanism would allow the Department to announce a new salary level on a predetermined schedule in the *Federal Register* without notice-and-comment, without a Regulatory Flexibility Act analysis, and without any of the other regulatory requirements established by various Executive Orders. Each of those regulatory requirements is intended to force the agency to consider the consequences of its proposed actions and to ensure that the regulatory actions it takes are carefully crafted and well-supported before being implemented.

Where, as here, an agency has reversed longstanding regulatory policy, the Supreme Court has made clear that the agency is required to acknowledge, explain and justify its reversal, and such explanation must take into account the strong reliance interests of the regulated community concerning the original regulation.<sup>43</sup> With respect to its automatic indexing provision, the Proposed

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<sup>41</sup> See *Brown & Williamson*, 529 U. S. at 125 (internal citations omitted)

<sup>42</sup> 69 Fed. Reg. 22171.

<sup>43</sup> See *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117 (2016) (vacating DOL’s reversal of policy with regard to the “service advisors” exemption from the FLSA’s overtime requirements); see also *Util. Air Reg. Grp. v. EPA*, 134

Rule does not even attempt such a justification. For these reasons, the FLSA's requirement that salary changes be subject to APA procedures separately and distinctly prohibits the Department from imposing the automatic indexing provision of the Proposed Rule.

**C. The Proposed Rule Fails to Account for the Practical and Economic Impact of Triennial Automatic Increases.**

The Department proposes to determine the new salary level every three years by indexing it to certain data sets collected by the Bureau of Labor Statistics (BLS); specifically, the Proposed Rule would increase the standard salary level for the white collar exemption to the 35th percentile of the pay distribution of full-time, non-hourly workers in the lowest-wage Census region of the country (currently, the South), and, thereafter, update that threshold every three years using that same formula using the most recent quarterly data from the BLS Current Population Survey.

As a practical matter, updating salary levels based solely on arcane BLS data (the utility and accuracy of which is, as discussed previously, highly questionable) will make it difficult, if not impossible, for employers and employees to determine with precision any updated salary level in advance of the Department's publishing it in the *Federal Register*. As a result, indexing the salary level will not make compliance with the exemption requirements easier; instead, indexing will create uncertainty and administrative and compliance difficulties, as employers likely will need to conduct frequent reconsiderations of the classification for employees whose status will potentially depend upon the responses to a survey conducted several years prior which are now reflected in a BLS data set. This serves only to increase costs on employers and takes dollars away from employee wages. More to the point, indexing with reference to a percentile of earnings will, by its very operation, dramatically increase the salary level in very short order, pushing it far beyond its "gatekeeper" level (and to a level already found to be unlawfully high). Finally, indexing fails wholly to account for costs associated with salary "compression" as salaries that are raised to maintain the exemption for some employees will exert direct pressure to raise wages for others.

**1. Employers Will Incur Significant and Ongoing Costs to Continuously Reassess Exemptions, and Determine Whether to Increase Wages or Reclassify Employees.**

As a threshold matter, automatically increasing the minimum salary level will create an unsustainable floor and ongoing instability and uncertainty in employers' carefully calibrated compensation strategies and budgeting models. Employers operate on varying fiscal calendars. Preparing for frequent increases presents challenges in terms of budgeting and implementation, and puts an undue burden upon employers who must in an extremely limited time period comply with state notice requirements, reprogram compensation systems, and conduct additional training, as well as conduct the necessary legal and compliance review to determine if reclassification is

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S. Ct. 2427, 2446 (2014) ("[A]n agency may not rewrite clear statutory terms to suit its own sense of how the statute should operate.").



appropriate. Additionally, employers must contend not only with the costs of increased wage rates, but also must incur the additional expense of routine classification analysis, decision-making, and implementation of changes in response to each new salary level when it is announced.

The automatic escalation of the EAP exemption salary threshold will create a cycle of continuing uncertainty. After each new salary threshold is announced, employers will engage in an unavoidable last-minute rush to identify which employees will get a salary increase and remain exempt, and which employees will be reclassified to non-exempt status. In other words, the efforts of Year One implementation would have to be repeated triennially in perpetuity. These cost and time obligations are dramatically understated in the required economic analysis accompanying the Proposed Rule. The financial impact, however, is enormous, including not only the costs of increased salaries or potential overtime pay, but also employer's costs in conducting the classification analysis which often include outside consultants, the decision-making process, and implementation of any changes in response to the new salary level when it is reset. Beyond these financial impacts, as discussed elsewhere in these comments, transitioning employees from exempt to non-exempt status requires careful planning and implementation to avoid undermining employee morale.

Likewise, the Department underestimates the costs of the rulemaking with respect to compliance efforts. Regulatory familiarization, adjustment, and managerial costs are all dramatically understated. Contrary to the Department's suggestions, compliance with the proposed rule would not be as simple as reviewing the salary level and making a one-time decision. Due to the many, varied issues identified within these comments, the time and effort associated with complying with the proposed rule will be immense as employers determine which positions will remain exempt, which will be reclassified as non-exempt, and how the employer will implement the conversion to non-exempt status, including adjustments to time and attendance systems and associated administrative issues.

Finally, the Department fails to account for these costs on a recurring basis. As noted above, the same compliance review activities that take place in Year One will be repeated on a triennial basis, as different groups of employees increasingly fall below the newly-indexed salary minimum, and be subject to an ongoing cost/benefit analysis to determine whether their employer should increase their salary to maintain the exemption, reclassify them as non-exempt, or otherwise change the terms and conditions of their employment.

**2. Automatic Indexing Will Result in a Dramatic, Upward Spiral of the Salary Threshold as Employees Are Either Reclassified as Non-Exempt and/or Salaries Are Increased to Maintain Exempt Status.**

Should increases be tied to the 35th percentile, the minimum salary level will quickly skyrocket, entirely destabilizing Congressional intent that the salary should not be set at a level that excludes many employees who obviously meet the white-collar duties tests. As noted previously, by increasing the minimum salary level from \$35,568 to over \$60,000, employers will either have to either: (a) reclassify employees as non-exempt, meaning they will be excluded from

the BLS non-hourly data set; or (b) increase employee salaries to meet the new minimum salary requirement (thus raising the level of the target percentile upon which the base salary level is determined). If, as the Proposed Rule suggests, these increases are tied to a percentile of earnings, the net effect of these phenomena will be disproportionate increases in the salary threshold.

The purpose of the salary test, as stated by the Department in the Proposed Rule, is to “help[] differentiate between exempt and nonexempt employees”<sup>44</sup> by setting a salary level at an amount that is slightly lower than the dividing line between exempt and nonexempt employees. That is, the salary level is intended to be set at a level that is over-inclusive of potentially non-exempt employees. As explained above, the Department does not adequately establish why the 35<sup>th</sup> percentile meets these standards in the first instance. That notwithstanding, the Proposed Rule’s escalator provision, which permanently ties the salary level to the 35th percentile of full-time salaried workers, will only compound the Department’s error.

The relevant data for calculating the percentile to which the Proposed Rule ties the exemption consists of the total weekly earnings for all full-time, non-hourly paid employees, based on workers who respond to the survey. According to BLS, “total weekly earnings” includes overtime pay, commissions, and tips. Respondents are asked whether they are paid hourly; they are not asked whether they are paid a salary, earn commissions, or are paid another way. In other words, the data is based upon a worker’s response that he or she is not paid hourly and includes in the “salary” threshold elements of compensation that are not salary.

The overwhelming majority of affected employees, in the Department’s estimate, will be reclassified as non-exempt. Most of these employees will be converted to an hourly method of payment, although some will undoubtedly become “salaried, non-exempt” employees. Because the workers who will be converted to an hourly method of payment will no longer respond to the CPS Survey question as being paid “non-hourly,” they will drop out of that BLS data set. The effect of this exclusion from the data set is dramatic; as one economic analysis states:

Using the same methodology for the approximately 12 million full-time, non-hourly employees in the South Census region, where the salary threshold is determined, there are an estimated 1.4 million affected workers who earn between \$684 and \$1,059 per week and are expected to pass the duties test. ***If those workers are all reclassified to hourly employees, they will fall out of the distribution of workers that serve as the basis for the 35th percentile... The 35th percentile of the resulting distribution after workers are reclassified is \$1,154. For comparison, \$1,154 is the 40th percentile of the current distribution. Effectively, the Department’s automatic update mechanism would increase the salary threshold by approximately 9.1% to the current 40th percentile within three years even if there was not ANY wage growth.*** If the recent inflation trend continues (13.6% over three years), the 9.1% increase due to the automatic update

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<sup>44</sup> 88 Fed. Reg. 62225.

methodology would cause the threshold to reach \$1,311 per week or about \$68,175 per year.<sup>45</sup>

Put more simply, the number of workers who respond that they are not paid hourly will decrease as workers who fail the salary test in year one (and subsequent years) are reclassified as non-exempt. If the 35th percentile test is adopted, in the years following the proposal, the salary level required for exempt status likely will be so high as to effectively eliminate entirely the availability of the exemptions in low-wage regions and industries.

**3. The Proposed Rule Fails to Adequately Account for the Expense of Salary Compression to Employers; Raising Employee Wages to Maintain the Exemption Creates Upward Pressure to Increase Salaries Across the Workforce.**

Finally, the Proposed Rule fails to adequately consider the economic cost of avoiding salary compression for those employees who are already paid more than the proposed minimum salary level. Where employees below the proposed salary minimum have their salaries raised to meet the new minimum, employees above the new minimum will likewise need to have their salaries raised to account for the relative value of the work being performed.

Higher levels of education, skill, experience, responsibility, and seniority should (and currently do) correspond to increased compensation. Employers thus attempt to avoid actual or perceived disparity between job titles and comparative compensation. Employees with higher positions, more job responsibility, and better qualifications than others expect to be paid accordingly. If an employer fails to do so, the salary compression will negatively impact employee morale in the workplace.

Take for instance a group of employees who currently are below the proposed minimum salary level. Assuming that the employees currently earn \$900 per week and their supervisors earn \$1,200 per week, the decision to raise the employees' salary to \$1,160 per week to continue their exempt classification does not simply impact those employees. Their supervisors—although not legally required to be paid more to be treated as exempt—nevertheless will need to be paid more to maintain morale and avoid salary compression.

The increased costs to employers to avoid salary compression are not considered in the Department's economic analysis. Similarly, the Department fails to address the difficulty of addressing the salary compression issue, as well as its impact on the determination on whether to reclassify a position to non-exempt as a result of the increased minimum salary level. These are real administrative expenses. The decision on classification cannot be made in a vacuum; it must consider the impact on other positions from a salary compression standpoint. The Department's proposal, however, does not adequately account for any of these significant costs.

<sup>45</sup> See Stephen G. Bronars, Ph.D. & Deborah K. Foster, Ph.D., Edgeworth Economics, "Important Implications of DOL's Proposed Automatic Updating Mechanism" (Oct. 26, 2023), available at: <https://www.edgeworthetheconomics.com/publication-6501> (last visited October 20, 2023).

For all these reasons, the PPWO opposes any indexing of the salary level. No methodology, identified by the Department or not, can overcome the Department's lack of authority to automatically increase the salary level in the manner proposed. Nor does any methodology cure the logistical and operational issues—and associated expense—that comes with an ongoing redefinition of exempt status. The Department should withdraw the proposal to index the minimum salary level.

\* \* \*

The Proposed Rule is fundamentally flawed on numerous levels. It adopts a methodology for increasing the EAP salary threshold that is unsupported in law or fact. It raises the threshold almost immediately to a level beyond which it serves its purpose as intended by Congress, and which has been found to be unlawfully high. It compounds these errors by including an automatic escalator provision in contravention of the FLSA and the APA, which, setting aside that fatal flaw, will serve only to compound underlying errors in the Department's initial salary level determination. Finally, it fails to accurately reflect the costs imposed on employers for implementation and compliance with the rule, and the dramatically increased costs associated with a rapidly escalating threshold. For all these reasons, as discussed above, the Department should withdraw its proposal.

Respectfully submitted,

**National Organizations**

ACA International  
 AICC, The Independent Packaging Association  
 Air Conditioning Contractors of America  
 American Association of Advertising Agencies (4A's)  
 American Bakers Association  
 American Bankers Association  
 American Bus Association  
 American Car Rental Association  
 American Foundry Society  
 American Frozen Food Institute  
 American Hotel & Lodging Association  
 American Pipeline Contractors Association  
 American Road & Transportation Builders Association  
 American Society of Association Executives  
 American Society of Travel Advisors (ASTA)  
 American Staffing Association  
 American Supply Association  
 American Trucking Associations  
 AmericanHort

Amusement & Music Operators Association  
 Associated Builders and Contractors  
 Associated Equipment Distributors  
 Associated General Contractors  
 College and University Professional Association for Human Resources  
 Construction Industry Round Table  
 Consumer Technology Association  
 Electronic Transactions Association  
 Energy Marketers of America  
 FMI–The Food Industry Association  
 Foodservice Equipment Distributors Association  
 Global Cold Chain Alliance  
 Heating, Air-conditioning, & Refrigeration Distributors International  
 HR Policy Association  
 IAAPA, The Global Association for the Attractions Industry  
 IHRSA–The Health & Fitness Association  
 Independent Electrical Contractors  
 Independent Insurance Agents & Brokers of America  
 Independent Lubricant Manufacturers Association  
 International Bottled Water Association  
 International Foodservice Distributors Association  
 International Franchise Association  
 International Warehouse Logistics Association  
 Irrigation Association  
 ISSA, the Worldwide Cleaning Industry Association  
 Job Creators Network  
 Manufactured Housing Institute  
 Manufacturers’ Agents Association for the Foodservice Industry (MAFSI)  
 MEMA, the Vehicle Suppliers Association  
 National Apartment Association  
 National Association of College and University Business Officers  
 National Association of College Stores  
 National Association of Convenience Stores  
 National Association of Electrical Distributors  
 National Association of Home Builders  
 National Association of Independent Colleges and Universities  
 National Association of Landscape Professionals  
 National Association of Manufacturers  
 National Association of Mutual Insurance Companies  
 National Association of Professional Insurance Agents  
 National Association of Theatre Owners  
 National Association of Wholesaler-Distributors  
 National Automobile Dealers Association  
 National Beer Wholesalers Association

National Club Association  
National Confectioners Association  
National Cotton Ginners Association  
National Council of Chain Restaurants  
National Council of Farmer Cooperatives  
National Demolition Association (NDA)  
National Federation of Independent Business  
National Funeral Directors Association  
National Grain and Feed Association  
National Grocers Association  
National Lumber & Building Material Dealers Association  
National Marine Distributors Association  
National Multifamily Housing Council (NMHC)  
National Newspaper Association  
National Public Employer Labor Relations Association  
National Ready Mixed Concrete Association  
National Restaurant Association  
National Retail Federation  
National RV Dealers Association (RVDA)  
National Small Business Association (NSBA)  
National Stone, Sand & Gravel Association  
National Tooling and Machining Association  
National Utility Contractors Association  
National Wooden Pallet & Container Association  
NATSO, Representing America's Travel Plazas and Truckstops  
Outdoor Power Equipment and Engine Service Association  
PEI–Petroleum Equipment Institute  
Portland Cement Association  
Power & Communication Contractors Association  
Precision Machined Products Association  
Precision Metalforming Association  
PRINTING United Alliance  
Restaurant Law Center  
Saturation Mailers Coalition  
Service Station Dealers of America and Allied Trades  
SIGMA: America's Leading Fuel Marketers  
Small Business & Entrepreneurship Council  
Textile Care Allied Trades Association  
The Transportation Alliance  
The US Chamber of Commerce  
Tire Industry Association  
TRSA – The Linen, Uniform and Facility Services Association  
Workspace Solutions Association

### **State Organizations**

Alaska Chamber of Commerce  
 Arizona Chamber of Commerce and Industry  
 Business & Industry Association of NH  
 Georgia Chamber of Commerce  
 Greater North Dakota Chamber of Commerce  
 Idaho Chamber Alliance  
 Illinois Chamber of Commerce  
 Indiana Chamber of Commerce  
 Iowa Association of Business and Industry  
 Kentucky Chamber of Commerce  
 Montana Chamber of Commerce  
 NC Chamber  
 Oregon Business and Industry  
 Pennsylvania Chamber of Business and Industry  
 Pennsylvania Food Merchants Association  
 South Carolina Chamber of Commerce  
 Tennessee Chamber of Commerce and Industry  
 Texas Association of Business  
 Texas Cotton Ginners' Association  
 Virginia Beer Wholesalers Association  
 Virginia Chamber of Commerce  
 Wisconsin Manufacturers and Commerce  
 Wyoming Construction Coalition  
 Wyoming State Chamber

### **Local Organizations**

Aiken Chamber (SC)  
 Anderson County Chamber of Commerce (TN)  
 Apache Junction Area Chamber of Commerce (AZ)  
 Ashland Area Chamber of Commerce (OH)  
 Barrow County Chamber of Commerce (GA)  
 Barry County Chamber and Economic Development Alliance (MI)  
 Bay Area Chamber of Commerce (MI)  
 Beverly Hills Chamber of Commerce (CA)  
 Boise Metro Chamber of Commerce (ID)  
 Box Elder Chamber of Commerce (UT)  
 Brea Chamber of Commerce (CA)  
 Bristol Chamber of Commerce (TN)  
 Buckeye Valley Chamber of Commerce (AZ)

Buellton Chamber of Commerce (CA)  
Cabarrus Regional Chamber of Commerce (NC)  
Cambria Regional Chamber (PA)  
Campbell County Chamber of Commerce (WY)  
Canby Area Chamber of Commerce (OR)  
Central Fairfax Chamber of Commerce (VA)  
Chamber of Catawba County (NC)  
ChamberWest (UT)  
ChamberRVA(VA)  
Chattanooga Chamber of Commerce (TN)  
Cheyenne Chamber of Commerce (WY)  
Chino Valley Chamber of Commerce (CA)  
Cleveland-Bolivar County Chamber of Commerce (MS)  
Cobb Chamber (GA)  
Columbia Chamber of Commerce (SC)  
Davis Chamber of Commerce (UT)  
DeKalb Chamber of Commerce (IL)  
Eau Claire Area Chamber of Commerce (WI)  
Gateway Chambers Alliance (CA)  
Glendale Chamber of Commerce (AZ)  
Grand Rapids Chamber (MI)  
Great Falls Area Chamber of Commerce (MT)  
Greater Coachella Valley Chamber of Commerce (CA)  
Greater Flagstaff Chamber of Commerce (AZ)  
Greater High Desert Chamber of Commerce (CA)  
Greater Irmo Chamber of Commerce (SC)  
Greater Lawrence Chamber, Inc. (IN)  
Greater Mankato Growth, Inc. (MN)  
Greater Miami Chamber of Commerce (FL)  
Greater Niles Chamber of Commerce (MI)  
Greater Omaha Chamber (NE)  
Greater Oro Valley Chamber of Commerce (AZ)  
Greater Phoenix Chamber (AZ)  
Greater Reading Chamber Alliance (PA)  
Greater Scranton Chamber of Commerce (PA)  
Greater Sioux Falls Chamber of Commerce (SD)  
Greenville Chamber of Commerce (SC)  
Halifax County Chamber of Commerce (VA)  
Harrisburg Regional Chamber (PA)  
Helena Area Chamber of Commerce (MT)  
Henderson Chamber of Commerce (NV)  
Henderson County Chamber of Commerce (NC)  
Joliet Region Chamber of Commerce & Industry (IL)  
Kearney Area Chamber of Commerce (NE)



Kingsport Chamber of Commerce (TN)  
Knoxville Chamber of Commerce (TN)  
Lake Havasu Area Chamber of Commerce (AZ)  
Lakeland Chamber (FL)  
Lansing Regional Chamber (MI)  
Las Vegas Chamber of Commerce (NV)  
Lincoln Chamber of Commerce (NE)  
Loudoun Chamber of Commerce (VA)  
Lynchburg Regional Business Alliance (VA)  
Marshall Area Chamber of Commerce (MN)  
McLean County of Chamber of Commerce (IL)  
Meridian Chamber of Commerce (ID)  
Mobile Chamber of Commerce (AL)  
Moore County Chamber of Commerce (NC)  
Murray County Chamber of Commerce (GA)  
Murrieta/Wildomar Chamber of Commerce (CA)  
Nashville Area Chamber of Commerce (TN)  
Newton Chamber of Commerce (GA)  
North Tampa Bay Chamber (FL)  
Norwalk Chamber of Commerce (CA)  
Orangeburg County Chamber of Commerce (SC)  
Palm Desert Area Chamber of Commerce (CA)  
Palos Verdes Peninsula Chamber of Commerce (CA)  
Pasadena Chamber of Commerce (CA)  
Pocatello-Chubbuck Chamber of Commerce, Inc. (ID)  
Prattville Area Chamber of Commerce (AL)  
Prescott Valley Chamber of Commerce (AZ)  
Queen Creek Chamber of Commerce (AZ)  
Rancho Cordova Area Chamber of Commerce (CA)  
Riverton Chamber of Commerce (WY)  
Robins Regional Chamber (GA)  
Rocky Mount Area Chamber of Commerce (NC)  
Roseburg Area Chamber of Commerce (OR)  
Roseburg Area Chamber of Commerce (OR)  
Salt Lake Chamber of Commerce (UT)  
San Diego Regional Chamber of Commerce (CA)  
Santa Barbara South Coast Chamber of Commerce (CA)  
Sauk Valley Area Chamber of Commerce (IL)  
Schuylkill Chamber of Commerce (PA)  
Shoals Chamber of Commerce (AL)  
Simpsonville Area Chamber of Commerce (SC)  
South Tampa Chamber of Commerce (FL)  
Springfield Area Chamber of Commerce (OR)  
Stayton Sublimity Chamber of Commerce (OR)

Stuart/Martin County Chamber of Commerce (FL)  
Tampa Bay Chamber (FL)  
The Chamber Grand Forks/East Grand Forks (ND)  
Torrance Area Chamber of Commerce (CA)  
Union County Chamber of Commerce (NC)  
Upstate Chamber Coalition (SC)  
Valley Industry & Commerce Association (CA)  
Waukesha County Business Alliance (WI)  
West Ventura County Business Alliance (CA)  
Western DuPage Chamber of Commerce (IN)  
Wilmington Chamber of Commerce (NC)  
Yorba Linda Chamber of Commerce (CA)  
Yuma County Chamber of Commerce (CA)

Of counsel:

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[jparetti@littler.com](mailto:jparetti@littler.com)

\*Not admitted in the District of Columbia; practice is limited to matters and proceedings before federal courts and agencies.

November 14, 2023

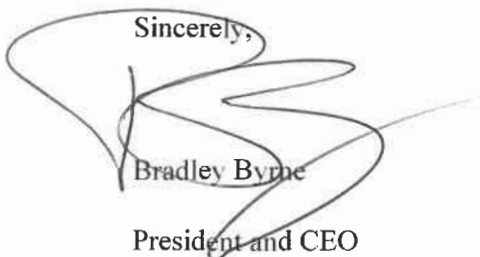
Mr. Doug Otto, PE  
Vice President, Engineering  
Alabama Port Authority  
250 N. Water Street  
Mobile, AL 36602

Dear Mr. Otto:

On behalf of the Mobile Chamber and its more than 1,600 members, representing 100,000 employees, I am writing in support of the application submitted by the Alabama Port Authority for funding under NOAA's Transformational Habitat Restoration and Coastal Resilience Grant Program. With support from this funding, the *Upper Mobile Bay Beneficial Use Wetland Creation Site Project* will establish the first 100 acres of planned 1,200-acre beneficial use of dredged material site in upper Mobile Bay. This wetland will be constructed with beneficially used dredged material for the public berths of the Alabama Port Authority, ensuring that the valuable natural resources of our river sediments remain in the immediate ecosystem. This effort will begin to rebalance the currently accelerating conversion of coastal wetland habitats to open water habitats.

*Upper Mobile Bay Beneficial Use Wetland Creation Site Project* was conceived by state and federal resource managers more than 15 years ago and seeks to address thousands of acres of historical impacts to the wetlands of the Upper Bay while reducing the institutionalized disposal of dredged sediments outside of the Bay system. Wetland habitats are productive and important habitats of upper Mobile Bay and provide refugia for commercially and recreationally important fisheries species. The project is expected to have long-term beneficial ecological impacts as well as positive economic impacts for the region.

The Alabama Port Authority is dedicated to maintaining this investment with beneficially used material and good dredged material sustainability management planning. This, in turn, will reduce the cost of dredged material management and allow the material to be used for wetland creation. If I may be of further assistance or can provide you with any additional information, please don't hesitate to let me know.

Sincerely,  
  
Bradley Byrne  
President and CEO

November 28, 2023

Mr. John Driscoll  
Alabama Port Authority  
250 North Water Street  
Mobile, AL 36603

RE: Alabama State Port Authority FY22 – FY23 EPA Diesel Emissions Reduction Act (DERA) Grant Application; Title: ASPA Terminal Railway Locomotive Improvement Project; Funding Opportunity No. EPA-OAR-OTAQ-23-03

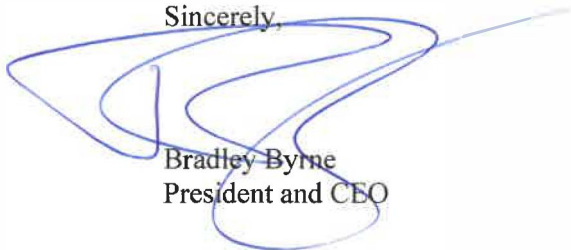
Dear Mr. Driscoll:

On behalf of the Mobile Chamber and its more than 1,600 members, representing 100,000 employees, I am writing to express our strong support for the Alabama State Port Authority's FY22-FY23 EPA Diesel Emissions Reduction Act (DERA) Grant Application to upgrade two short-haul Tier II diesel-electric switching locomotives to Tier IV Final. Specifically, the project will upgrade two previously improved switching locomotives, TASD Locomotive 772 and TASD Locomotive 761, from Tier II to Tier IV Final Ultra Low Emitting Locomotives (ULEL). TASD 772 and TASD 761 are original EMD SW 1500 engines from 1977 and 1976, respectively. The locomotives were repowered by RJ Corman with Tandem Duetz 750 horsepower Tier II motors between 2014 and 2015.

The ASPA's mission is to provide the citizens of the State of Alabama and businesses located in and near Alabama with the means of transporting and receiving goods worldwide via the utilization of our deep-water Port. Routine Port operations require the use of a wide variety of diesel-powered vehicles, including diesel-powered locomotives used by our Terminal Railway (TASD). Contained in ASPA's strategic plan is the goal to enhance the environmental quality of life of the surrounding communities in which the Port operates. Therefore, diesel emissions and noise reduction projects are paramount to the ASPA as a conscientious community business member, and the Mobile Chamber fully supports their efforts to secure critical EPA funding assistance to repower two Tier II diesel-electric switching locomotives. With the EPA assistance funding, the ASPA will repower each locomotive with an EPA-certified Tier IV engine.

Thank you for your tireless efforts on behalf of the State of Alabama. If I may be of further assistance or can provide you with any additional information, please don't hesitate to let me know.

Sincerely,



Bradley Byrne  
President and CEO

January 30, 2024

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

**RE: In the Matter of Safeguarding and Securing the Open Internet (WC Docket No. 23-320); Restoring Internet Freedom (WC Docket No. 17-108); Bridging the Digital Divide for Low-Income Consumers (WC Docket No. 17-287); Lifeline and Link Up Reform and Modernization (WC Docket No. 11-42).**

Dear Ms. Dortch:

The undersigned chambers of commerce representing business communities across the United States respectfully submit these comments to the Federal Communications Commission's ("Commission" or "FCC") above-titled Notice of Proposed Rulemaking ("NPRM").<sup>1</sup> The NPRM proposes to classify broadband under Title II of the Communications Act and impose a burdensome regulatory framework on the broadband marketplace. We express strong concern with the Commission's proposed Title II classification given the adverse impact on enhancing broadband access for our businesses and communities and because Title II classification is unlawful.

**I. Access to Reliable, High-Speed Broadband Internet is Critical for Businesses and Communities Across the United States**

Broadband internet access is crucial for enabling e-commerce, remote work, online education, American global competitiveness, and other important societal and economic objectives. While the private sector and governments have made significant strides to connect all Americans, some communities remain unserved. The business community strongly supports efforts to expand access to broadband including through reducing barriers to private sector investments and targeted government broadband investments, when appropriate, in unserved communities. The Commission's choice of regulatory framework for broadband is consequently critical to enable, or hinder, this objective.

**II. The Record Underscores that Title II Classification is Unlawful**

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<sup>1</sup> Safeguarding and Securing the Open Internet, Notice of Proposed Rulemaking, WC Docket No. 23-320, FCC-23-83 (Oct. 19, 2023), <https://tinyurl.com/y6hhry6y> ("NPRM").

Title II classification of broadband is unlawful for several reasons, echoed by numerous commenters.<sup>2</sup> One, the statutory text of the Communications Act, previous Commission actions, and U.S. Supreme Court precedent indicate that broadband should be considered an “information service” rather than a “telecommunications service” and thus remain under a Title I regulatory framework instead of Title II.<sup>3</sup> Second, the Major Questions Doctrine prevents the Commission from classifying broadband under Title II because such a determination would have significant political and economic impacts and Congress has not clearly authorized utility-style regulation of broadband.<sup>4</sup> Instead of pursuing an unlawful rulemaking, the Commission should focus on reducing barriers to broadband access.

### **III. The Record Emphasizes the Restoring Internet Freedom Order’s Approach Enabled Increased Competition, Significant Investment, and Lower Prices for Consumers**

In 2017, the Commission adopted the Restoring Internet Freedom Order (“RIF Order”) which returned to a targeted, innovation-friendly approach for regulating the broadband marketplace.<sup>5</sup> As the U.S. Chamber of Commerce and other commenters note, the targeted approach taken by RIF Order unlocked significant private sector broadband investment, increased competition between providers, and lowered prices, all benefiting consumers and businesses.<sup>6</sup> These trends also demonstrate that the broadband marketplace is healthy, and that burdensome regulation is unnecessary.

Private sector broadband investment increased after the adoption of the RIF Order, reaching \$102.4 billion in capital expenditures in 2022.<sup>7</sup> This occurred for both wireless and fiber infrastructure investments.<sup>8</sup> As a result, Americans have more choices than ever before at faster speeds.<sup>9</sup> Moreover, these choices are not just between providers but also between different types of broadband technologies, including cable, fiber, mobile wireless, fixed wireless, and satellite. Increased innovation and substantial private investments are paired with lower prices even in an era of persistent inflation.<sup>10</sup> Broadband prices have decreased by 12% since 2017 across plans offering different internet speeds and across broadband technologies.<sup>11</sup>

<sup>2</sup> NCTA Comments at 10-46; USTelecom Comments at 9-35; CTIA Comments at 46-78.

<sup>3</sup> Chamber Comments at 40-48.

<sup>4</sup> Chamber Comments at 49-61.

<sup>5</sup> Restoring Internet Freedom, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311 (2018), <http://tinyurl.com/mt3a7bpi> (“RIF Order”).

<sup>6</sup> See Comments of the U.S. Chamber of Commerce, WC Docket No. 23-320, at 6 (filed Dec. 14, 2023) (“Chamber Comments”); Comments of NCTA – The Internet & Television Association, WC Docket Nos. 23-320, 17-108, 17-287, at 86-87 (filed Dec. 14, 2023) (“NCTA Comments”); Comments of CTIA, WC Docket No. 23-320, at 13-14 (filed Dec. 14, 2023); Comments of USTelecom, WC Docket Nos. 23,320, 17-108, 17-287, 11-42, at 1-2 (filed Dec. 14, 2023) (“USTelecom Comments”).

<sup>7</sup> 2022 Broadband Capex Report, USTelecom (Sept. 8, 2019), <http://tinyurl.com/3cxdjhf9>; Michael Mandel & Jordan Shapiro, Investment Heroes 2023, Progressive Policy Institute, at P7 (Oct. 2023), <http://tinyurl.com/6jp6f9f8>.

<sup>8</sup> Chamber Comments at 8-9.

<sup>9</sup> NCTA Comments at 89-90; Chamber Comments at 11.

<sup>10</sup> NCTA Comments at 91; USTelecom Comments at 38-39.

<sup>11</sup> Chamber Comments at 12.

In sum, consumers and the American public clearly benefit from the present regulatory framework.

#### **IV. The Record Demonstrates that Title II Classification Would Hinder Investment and the Economy**

Despite the evident success of the present regulatory framework, the NPRM would take the broadband industry in the opposite direction. The Commission’s previous attempt in 2015 to impose a Title II framework slowed broadband deployment and access through decreased private sector capital expenditures and an increased regulatory burden on broadband providers.<sup>12</sup> A recent study by the Phoenix Center underscores the concrete consequences of Title II classification, finding a \$81 billion investment decline, a 2.9% decrease in information sector employment, and a \$145 billion annual reduction in Gross Domestic Product.<sup>13</sup>

We are particularly concerned that Title II reclassification would negatively affect the broadband access objectives outlined by the Infrastructure Investment and Jobs Act’s primary broadband initiative, the Broadband Equity, Access, and Deployment (“BEAD”) program. Every eligible state and territory is collaborating with the Department of Commerce on the BEAD program with the Department making significant progress to date.<sup>14</sup> Considering private sector investment is key to ensuring the success of the program, the Commission should not promulgate regulations that risk limiting broadband investment.

These quantifiable costs arising from the 2015 attempt to impose Title II classification on broadband demonstrates that the NPRM requires a robust cost-benefit analysis to understand the impacts on investment and the economy.

#### **V. Conclusion**

Access to high-speed broadband internet is essential for American business and the communities we serve. We urge the Commission to reverse course and maintain the present regulatory framework for broadband.

Sincerely,

National

U.S. Chamber of Commerce

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<sup>12</sup> Chamber Comments at 16-18.

<sup>13</sup> George S. Ford, Investment in the Virtuous Circle: Theory and Empirics, Phoenix Center for Advanced Legal & Economic Public Policy Studies, at 22 (December 2023), <http://tinyurl.com/yeuzsh8w>.

<sup>14</sup> BEAD Initial Proposal Progress Dashboard, National Telecommunications and Information Administration, Department of Commerce (accessed Jan. 8, 2024), <https://www.internetforall.gov/bead-initial-proposal-progress-dashboard>.

Alabama

The Business Council of Alabama  
Mobile Chamber  
Prattville Area Chamber of Commerce  
South Baldwin Chamber of Commerce

Arizona

Chandler Chamber of Commerce

Arkansas

Camden Regional Chamber of Commerce

Florida

Daytona Regional Chamber of Commerce  
Greater Boca Raton Chamber of Commerce  
Greater Miami Chamber of Commerce  
Tampa Bay Chamber

Georgia

Georgia Chamber of Commerce  
Metro Atlanta Chamber

Iowa

Iowa Association of Business and Industry  
Fort Madison Partners  
Mason City Chamber of Commerce  
Sioux Center Chamber of Commerce

Kentucky

Kentucky Chamber of Commerce  
Union County KY Chamber of Commerce

Maine

Barry County Chamber and Economic Development Alliance

Michigan



Michigan Chamber of Commerce  
 Detroit Regional Chamber  
 Grand Rapids Chamber  
 Michigan West Coast Chamber of Commerce  
 Oscoda-AuSable Chamber of Commerce  
 Shakopee Chamber & Visitors Bureau  
 Southern Wayne County Regional Chamber

#### Minnesota

Brainerd Lakes Chamber of Commerce  
 Cannon Falls Area Chamber of Commerce  
 Delano Area Chamber of Commerce  
 Greater Mankato Growth  
 Lonsdale Area Chamber of Commerce  
 Marshall Area Chamber of Commerce  
 Minneapolis Regional Chamber  
 Winona Area Chamber of Commerce

#### Mississippi

Mississippi Economic Council - the State Chamber  
 Area Development Partnership - Greater Hattiesburg, MS

#### Missouri

Missouri Chamber of Commerce and Industry  
 Kennett Chamber of Commerce  
 St. Charles Regional Chamber

#### Nebraska

Kearney Area Chamber of Commerce  
 Seward County Chamber & Development Partnership

#### North Dakota

Greater North Dakota Chamber  
 The Chamber Grand Forks / East Grand Forks  
 FMWF Chamber of Commerce

#### Ohio

Chillicothe Ross Chamber of Commerce  
Ottawa Area Chamber of Commerce  
Toledo Regional Chamber of Commerce

South Dakota

Greater Sioux Falls Chamber of Commerce

Tennessee

Kingsport Chamber

Texas

Fort Bend Chamber  
Grapevine Chamber of Commerce  
Longview TX Chamber of Commerce  
North Texas Commission  
Rockport-Fulton Chamber of Commerce  
West Columbia Chamber of Commerce

Wisconsin

Marinette Menominee Area Chamber of Commerce

April 22, 2024

Hon. Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW; 1101-A  
Washington, D.C. 20460

Re: CARB's Clean Air Act Authorization Request [EPA-HQ-OAR-2023-0574]

Dear Administrator Regan:

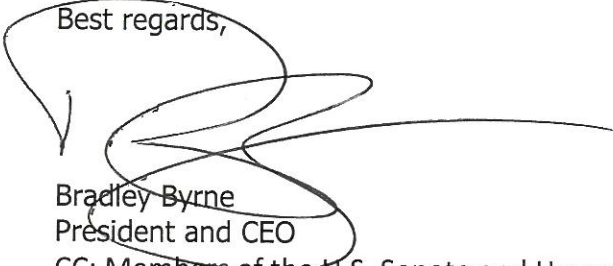
Granting the above-referenced authorization request submitted by the California Air Resources Board (CARB) could disrupt the United States supply chain, hurt the economy – including through inflation, drive some short-line railroads out of business, and divert millions of tons of freight from rail to more carbon-intensive transportation options.

Please reject this authorization request, which would permit CARB to circumvent federal laws and impose unfeasible mandates requiring railroads across the United States to purchase zero-emission locomotives that are not yet commercially viable while also artificially limiting the useful life of their locomotive fleets. The draconian financial and operational burdens CARB would impose include requiring railroads to deposit as much as \$800 million per year per railroad into “spending accounts” that could only be used to purchase and test currently nonexistent zero-emission technology and equipment. CARB would also limit the useful life of more than 25,000 locomotives by barring any locomotive that is 23 or more years past its original manufacture date from operating in California. Such policy disregards the fact that locomotives are long-term and capital-intensive investments that traverse North America on the interconnected rail network. Small railroads in particular cannot simply replace these locomotives.

Critical for the undersigned organizations that span the nation, railroads operate on an interconnected continent-wide network. Implementation of CARB's extreme requirements would impact rail operations and rail service throughout North America, as railroads do not operate state-specific fleets. Moreover, granting the waiver would open the floodgates to the expansion of these disruptive mandates given that Section 209(e) of the Clean Air Act permits other states to adopt the CARB regulation once authorized by EPA. Creating a patchwork of state laws governing rail operations would severely undermine the interconnectivity of the freight rail network and run afoul of federal laws created with preserving that network in mind. Freight rail is highly fuel-efficient, and rail currently carries about 40 percent of U.S. long-distance freight while contributing just 1.7 percent of transportation-related emissions of greenhouse gases. It is difficult to see how the CARB regulation, which would undermine freight rail's efficiencies and could divert rail freight to highways, is in the national interest. In fact, the adoption of the CARB regulation could lead to more carbon emissions over time. Moreover, CARB has acknowledged that because compliance costs are so high, some short-line railroads would likely be forced to cease operating, cutting some rural communities off from vital rail service entirely.

Collectively, our organizations represent virtually every corner of the nation and every sector of the economy. We urge you to reject CARB's authorization request. Granting it would undermine vital freight rail service and threaten jobs and quality of life in all our communities.

Best regards,

  
Bradley Byrne  
President and CEO

CC: Members of the U.S. Senate and House of Representatives

I authorize GoRail to include my organization on this group letter, which will be delivered to the EPA while copying members of the United States Congress.

Name: Bradley Byrne Title: President/CEO

Organization: Mobile Area Chamber of Commerce

Signature: 

Date: 9/10/24

May 21, 2024

To the Members of the United States House of Representatives:

The undersigned chambers of commerce strongly support H.R. 7198, the Prove It Act of 2024, and urge the House to consider this important legislation.

This bipartisan bill was introduced by Representatives Brad Finstad, Nathaniel Moran, and Yadira Caraveo and is co-sponsored by Representatives Mike Gallagher, Harriett Hageman, Maria Salazar, David Valadao, and Carol Miller. H.R. 7198 was reported by the Judiciary Committee in March and would be a major step forward for small businesses that are harmed by excessive federal regulations.

American small business owners are job creators and innovators. While their contributions to their communities and to the American economy are enormous, they bear an unreasonably heavy burden when it comes to regulatory costs. The annual cost of complying with federal regulations has risen by \$465 billion since 2012 and now totals over \$3 trillion (12% of U.S. GDP). The per employee cost of \$12,800 for small businesses is 20% greater than the cost per employee at their larger competitors.

The Regulatory Flexibility Act - passed 44-years ago - was intended to correct the lopsided burden on small business and require that regulators tailor rules to meet government objectives while minimizing the burden on small businesses. Unfortunately, federal agencies too often exploit loopholes in the law to hide costs imposed on Main Street businesses and to ignore their feedback.

The Prove It Act of 2024 would close those loopholes and bring more transparency to the true costs of red tape on America's innovators, job creators, and community builders. The bill would also prevent agencies from ignoring small business input in their rush to finalize new federal regulations.

We urge expeditious House consideration of H.R. 7198, the Prove It Act.

Sincerely,

**Alabama**

Chandler Chamber of Commerce  
Coastal Alabama Business Chamber  
Enterprise Chamber of Commerce

Mobile Chamber  
Prattville Area Chamber of Commerce  
SouthWest Mobile County Chamber of  
Commerce

**Alaska**

Alaska Chamber  
 Greater Fairbanks Chamber of Commerce  
 The Greater Juneau Chamber of Commerce

**Arizona**

Arizona Chamber of Commerce and Industry  
 Buckeye Valley Chamber of Commerce  
 Carefree Cave Creek Chamber of Commerce  
 Greater Flagstaff Chamber of Commerce  
 Greater Phoenix Chamber  
 Mesa Chamber of Commerce  
 Nogales Santa Cruz County Chamber of Commerce  
 Northwest Valley Chamber of Commerce  
 Peoria Chamber of Commerce  
 Prescott Valley Chamber of Commerce  
 Queen Creek Chamber of Commerce  
 Scottsdale Area Chamber of Commerce  
 Southwest Valley Chamber  
 Springerville-Eagar Regional Chamber of Commerce  
 Tucson Metro Chamber  
 West Valley Chamber of Commerce Alliance  
 Wickenburg Chamber of Commerce  
 Yuma County Chamber of Commerce

**Arkansas**

AR State Chamber/AIA  
 Holiday Island Chamber of Commerce  
 Little Rock Regional Chamber  
 Rogers-Lowell Chamber of Commerce

**California**

Anaheim Chamber of Commerce  
 Brea Chamber of Commerce  
 California Chamber of Commerce  
 Carlsbad Chamber of Commerce  
 Chatsworth Porter Ranch Chamber of Commerce  
 Chino Valley Chamber of Commerce  
 Colusa County Chamber of Commerce  
 Greater Bakersfield Chamber  
 Greater Coachella Valley Chamber of Commerce  
 Greater Conejo Valley Chamber of Commerce  
 Greater Grass Valley Chamber of Commerce

Greater Irvine Chamber of Commerce  
 La Mesa Chamber of Commerce  
 Laguna Hills Chamber of Commerce  
 Lodi District Chamber of Commerce  
 Murrieta/Wildomar Chamber of Commerce  
 Newport Beach Chamber of Commerce  
 North San Diego Business Chamber  
 Oceanside Chamber of Commerce  
 Palm Desert Area Chamber of Commerce  
 Palos Verdes Peninsula Chamber of Commerce  
 Rancho Cordova Area Chamber of Commerce  
 San Diego Regional Chamber of Commerce  
 San Juan Capistrano Chamber of Commerce  
 Santa Barbara South Coast Chamber of Commerce  
 Santee Chamber of Commerce  
 South Bay Association of Chambers of Commerce  
 Tracy Chamber of Commerce  
 West Ventura County Business Alliance  
 Yorba Linda Chamber of Commerce

**Colorado**

Vail Valley Partnership

**Florida**

Coral Gables Chamber of Commerce  
 Daytona Regional Chamber of Commerce  
 Lakeland Chamber of Commerce  
 St. Johns County Chamber of Commerce  
 Visitor Information Center  
 The Greater Boca Raton Chamber of Commerce  
 Venice Area Chamber of Commerce

**Georgia**

Barrow County Chamber of Commerce, Inc.  
 Cobb County Chamber of Commerce  
 Fayette County Chamber of Commerce  
 Habersham County Chamber of Commerce  
 Jackson County Area Chamber of Commerce  
 Murray County Chamber of Commerce  
 Newton Chamber of Commerce

**Hawaii**

Chamber of Commerce Hawaii  
 Kapolei Chamber of Commerce  
 Kauai Filipino Chamber of Commerce

**Idaho**

Twin Falls Area Chamber of Commerce

**Illinois**

Chamber630  
 Edwardsville/Glen Carbon Chamber of Commerce  
 GLMV Chamber of Commerce  
 Illinois Chamber of Commerce  
 Oak Lawn Chamber of Commerce  
 Quad Cities Chamber of Commerce  
 RiverBend Growth Association  
 Sauk Valley Area Chamber of Commerce  
 The Greater Springfield Chamber of Commerce  
 Western DuPage Chamber of Commerce

**Indiana**

Greater Lawrence Chamber of Commerce  
 Indiana Chamber of Commerce  
 South Bend Regional Chamber of Commerce  
 Wayne County Area Chamber of Commerce

**Iowa**

Cedar Rapids Metro Economic Alliance  
 Dubuque Area Chamber of Commerce  
 Iowa Association of Business and Industry

**Kansas**

Goddard Chamber of Commerce  
 Greater Topeka Chamber  
 Parsons Chamber of Commerce

**Kentucky**

Greater Louisville, Inc.  
 Paducah Area Chamber of Commerce

**Louisiana**

Central Louisiana Regional Chamber of Commerce  
 Greenwood Chamber of Commerce  
 St. Tammany Chamber of Commerce

West Baton Rouge Chamber of Commerce

**Maine**

Boothbay Harbor Region Chamber of Commerce

**Maryland**

Maryland Chamber of Commerce  
 Salisbury Area Chamber of Commerce  
 Talbot County Chamber of Commerce  
 Washington County Chamber of Commerce

**Massachusetts**

Blackstone Valley Chamber of Commerce  
 Metro South Chamber of Commerce  
 Peabody Area Chamber of Commerce  
 United Regional Chamber of Commerce

**Michigan**

Barry County Chamber and Economic Development Alliance  
 Cadillac Area Chamber of Commerce  
 Detroit Regional Chamber  
 Grand Rapids Chamber  
 Hartland Area Chamber of Commerce  
 Lansing Regional Chamber of Commerce  
 Michigan Chamber of Commerce  
 Michigan West Coast Chamber of Commerce  
 North Oakland Regional Chambers Association  
 Southwest Michigan Regional Chamber of Commerce  
 Three Rivers Area Chamber of Commerce

**Minnesota**

Albert Lea-Freeborn County Chamber of Commerce  
 Austin Area Chamber of Commerce  
 Brainerd Lakes Chamber of Commerce  
 Cannon Falls Area Chamber of Commerce  
 Eden Prairie Chamber of Commerce  
 FORWARD Worthington  
 Glenwood Lakes Area Chamber of Commerce  
 Greater Mankato Growth  
 Greater Stillwater Chamber of Commerce  
 I-94 West Chamber of Commerce  
 Lonsdale Area Chamber of Commerce

Marshall Area Chamber of Commerce  
 Minnesota Chamber of Commerce  
 Princeton Area Chamber of Commerce & Tourism  
 Rochester Area Chamber of Commerce  
 Shakopee Area Chamber of Commerce  
 SouthWest Metro Chamber of Commerce  
 St. Cloud Area Chamber of Commerce  
 Tracy Area Chamber  
 Willmar Lakes Area Chamber of Commerce  
 Windom Area Chamber of Commerce  
 Winona Area Chamber of Commerce

### **Mississippi**

Hancock County Chamber of Commerce

### **Montana**

Billings Chamber of Commerce  
 Glasgow Area Chamber of Commerce & Agriculture, Inc.  
 Missoula Area Chamber of Commerce  
 Montana Chamber of Commerce

### **Nebraska**

Grand Island Area Chamber of Commerce  
 Kearney Area Chamber of Commerce  
 Nebraska Chamber of Commerce  
 North Platte Area Chamber & Development Corporation  
 Washington County Chamber of Commerce

### **Nevada**

Carson City Chamber of Commerce  
 Henderson Chamber of Commerce  
 Reno + Sparks Chamber of Commerce  
 Vegas Chamber  
 White Pine Chamber of Commerce

### **New Hampshire**

Business & Industry Association New Hampshire

### **New Jersey**

New Jersey State Chamber of Commerce  
 The African American Chamber of Commerce of New Jersey

### **New York**

Capital Region Chamber of Commerce  
 North Country Chamber of Commerce  
 Sullivan County Chamber of Commerce  
 The Business Council of NYS, Inc.

### **North Carolina**

Alamance Chamber of Commerce  
 Charlotte Regional Business Alliance  
 Greater Mount Airy Chamber of Commerce  
 Mint Hill Chamber of Commerce  
 Moore County Chamber of commerce  
 NC Chamber  
 The Caldwell Chamber

### **North Dakota**

Greater North Dakota Chamber  
 The Chamber Grand Forks - East Grand Forks  
 Williston Area Chamber of Commerce

### **Ohio**

Chillicothe Ross Chamber of Commerce  
 Huber Heights Chamber of Commerce  
 Ohio Chamber of Commerce  
 Toledo Regional Chamber of Commerce  
 Troy Area Chamber of Commerce  
 Zanesville-Muskingum County Chamber of Commerce

### **Oklahoma**

State Chamber of Oklahoma  
 Tulsa Regional Chamber of Commerce

### **Oregon**

Albany Area Chamber of Commerce  
 Bend Chamber of Commerce  
 Canby Area Chamber of Commerce  
 Gresham Area Chamber of Commerce  
 Lake County Chamber of Commerce  
 Oregon Business & Industry  
 Oregon State Chamber of Commerce  
 Roseburg Area Chamber of Commerce  
 Salem Area Chamber of Commerce  
 The Dalles Area Chamber of Commerce  
 Washington County Chamber of Commerce

### **Pennsylvania**

Alle Kiski Strong Chamber  
 Blair County Chamber of Commerce



Chamber of Business and Industry of Centre County  
 Columbia Montour Chamber of Commerce  
 Greater Latrobe-Laurel Valley Regional Chamber of Commerce  
 Hanover Area Chamber of Commerce  
 Harrisburg Regional Chamber & CREDC  
 Huntingdon County Chamber of Commerce  
 Indian Valley Chamber of Commerce  
 Lancaster Chamber of Commerce and Industry  
 Pennsylvania Chamber of Business and Industry  
 Schuylkill Chamber of Commerce  
 Somerset County Chamber of Commerce  
 Southern Chester County Chamber of Commerce  
 TriCounty Area Chamber of Commerce  
 Venango Area Chamber of Commerce  
 Williamsport/Lycoming Chamber of Commerce  
 York County Economic Alliance

#### **Rhode Island**

Greater Newport Chamber of Commerce

#### **South Carolina**

Anderson Area Chamber of Commerce  
 Berkeley Chamber of Commerce  
 Charleston Metro Chamber of Commerce  
 Greater Hartsville Chamber of Commerce  
 Hilton Head Island - Bluffton Chamber of Commerce  
 South Carolina Chamber of Commerce

#### **South Dakota**

South Dakota Chamber of Commerce and Industry

#### **Tennessee**

Lawrence County Chamber of Commerce  
 Tennessee Chamber of Commerce and Industry

#### **Texas**

Cedar Park Chamber of Commerce  
 Cuero Chamber of Commerce, Agriculture & Visitors Center

Denison Area Chamber of Commerce  
 Gainesville Area Chamber of Commerce  
 Greater Waco Chamber  
 Kaufman Chamber of Commerce  
 Kilgore Area Chamber of Commerce  
 Longview TX Chamber of Commerce  
 Metrocrest Chamber of Commerce  
 Nacogdoches County Chamber of Commerce  
 North Texas Commission  
 Rowlett Chamber of Commerce  
 Texas Association of Business  
 United Corpus Christi Chamber of Commerce

#### **Utah**

Cedar City Chamber of Commerce  
 ChamberWest Chamber of Commerce  
 Davis Chamber of Commerce  
 Salt Lake Chamber  
 South Valley Chamber of Commerce  
 Utah Pacific Islander Chamber

#### **Virginia**

Central Fairfax Chamber of Commerce  
 Hampton Roads Chamber  
 Loudoun County Chamber of Commerce  
 Virginia Chamber of Commerce

#### **Washington**

Burlington Chamber of Commerce  
 Covington Chamber of Commerce  
 Economic Alliance Snohomish County  
 Greater Lake Stevens Chamber of Commerce  
 Mercer Island Chamber of Commerce  
 Thurston County Chamber of Commerce

#### **Wisconsin**

Beaver Dam Area Chamber of Commerce  
 Heart of Wisconsin Chamber of Commerce  
 Rice Lake Area Chamber of Commerce  
 Wisconsin Manufacturers & Commerce

#### **Wyoming**

Campbell County Chamber of Commerce  
 Greater Cheyenne Chamber of Commerce  
 Jackson Hole Chamber of Commerce  
 Lander Chamber of Commerce

Rock Springs Chamber of Commerce  
Wyoming State Chamber of Commerce

June 12, 2024

Dr. Lael Brainard  
Director  
National Economic Council  
The White House  
Washington, DC 20502

Mr. Jake Sullivan  
National Security Advisor  
National Security Council  
The White House  
Washington, DC 20500

Dear Director Brainard and Advisor Sullivan:

The undersigned state and local chambers of commerce are very concerned with the Administration's recent decision to withdraw support for strong, longstanding international digital trade rules.

Digital trade supports more than three million American jobs (see [details by state and congressional district](#)). Companies in diverse fields including services, manufacturing, arts and entertainment, and agri-business increasingly rely on the digital economy to find customers, sell goods and services, manage operations, coordinate research and development, strengthen compliance, and ensure secure payments.

Over the years, the U.S. and its allies have negotiated agreements—including the United States-Mexico-Canada Agreement (USMCA)—to support mutually beneficial cross-border data flows and to defend against digital protectionism. These agreements protect American companies from unfair treatment.

The U.S. Trade Representative late last year reversed longstanding U.S. support for digital trade rules, which risks undermining U.S. leadership and threatens the global competitiveness of many American businesses.

We urge the Administration to reverse course and to reaffirm support the strong digital trade rules that support American businesses.

Sincerely,

U.S. Chamber of Commerce

**Alabama**

Mobile Chamber of Commerce  
Shoals Chamber of Commerce

**Alaska**

Alaska Chamber

**Arizona**

Apache Junction Area Chamber of Commerce  
 Arizona Chamber of Commerce and Industry  
 Buckeye Valley Chamber of Commerce  
 Chandler Chamber of Commerce  
 Greater Florence Chamber of Commerce  
 Greater Phoenix Chamber  
 Lake Havasu Area Chamber of Commerce  
 Mesa Chamber of Commerce  
 Nogales Santa Cruz County Chamber of Commerce  
 Northwest Valley Chamber of Commerce  
 Queen Creek Chamber of Commerce  
 Scottsdale Area Chamber of Commerce  
 Tucson Metro Chamber  
 West Valley Chambers of Commerce Alliance

**Arkansas**

Little Rock Regional Chamber of Commerce

**California**

Brea Chamber of Commerce  
 Buellton Chamber of Commerce  
 California Chamber of Commerce  
 Carlsbad Chamber of Commerce  
 Chino Valley Chamber of Commerce  
 Colusa County Chamber of Commerce  
 Gateway Chambers Alliance  
 Greater Coachella Valley Chamber of Commerce  
 Hueneme Chamber of Commerce  
 Laguna Hills Chamber of Commerce  
 Lake Elsinore Valley Chamber of Commerce  
 Los Angeles Area Chamber of Commerce  
 Modesto Chamber of Commerce  
 Murrieta/Wildomar Chamber of Commerce  
 Orange County Business Council  
 Palm Desert Area Chamber of Commerce  
 Pomona Chamber of Commerce  
 Redondo Beach Chamber of Commerce

San Diego Regional Chamber of Commerce  
 San Juan Capistrano Chamber of Commerce  
 San Marcos Chamber of Commerce  
 Santa Clarita Valley Chamber of Commerce  
 Simi Valley Chamber of Commerce  
 West Ventura County Business Alliance

### **Colorado**

Vail Valley Partnership

### **Delaware**

Delaware State Chamber of Commerce

### **Florida**

Associated Industries of Florida  
 Florida Chamber of Commerce  
 The Greater North Miami Chamber of Commerce, Inc.

### **Georgia**

Habersham County Chamber of Commerce  
 Newnan-Coweta Chamber  
 Savannah Area Chamber of Commerce  
 White County Chamber of Commerce

### **Hawaii**

Chamber of Commerce Hawaii

### **Idaho**

Boise Metro Chamber of Commerce  
 Pocatello-Chubbuck Chamber of Commerce, Inc.

### **Illinois**

Chamber630  
 Chicagoland Chamber of Commerce  
 Dixon Chamber of Commerce & Main Street  
 Edwardsville/Glen Carbon Chamber of Commerce  
 GLMV Chamber of Commerce  
 Illinois Chamber of Commerce  
 The Greater Springfield Chamber of Commerce

**Indiana**

Indiana Chamber of Commerce  
 Kendallville Area Chamber of Commerce  
 Perry County Chamber of Commerce

**Kansas**

Greater Topeka Partnership  
 Kansas Chamber of Commerce

**Kentucky**

Commerce Lexington  
 Greater Louisville, Inc.  
 Kentucky Chamber of Commerce  
 Union County Chamber of Commerce

**Louisiana**

Central Louisiana Regional Chamber of Commerce  
 Greater Shreveport Chamber

**Maine**

Barry County Chamber and Economic Development Alliance  
 Maine State Chamber of Commerce

**Maryland**

Maryland Chamber of Commerce

**Massachusetts**

Blackstone Valley Chamber of Commerce  
 Metro South Chamber of Commerce

**Michigan**

Detroit Regional Chamber  
 Michigan Chamber of Commerce

**Minnesota**

Marshall Area Chamber of Commerce  
 Willmar Lakes Area Chamber of Commerce

**Mississippi**

Mississippi Economic Council  
 Olive Branch Chamber of Commerce

**Missouri**

Missouri Chamber of Commerce and Industry

**Montana**

Helena Area Chamber of Commerce  
Kalispell Chamber of Commerce  
Missoula Area Chamber of Commerce  
Montana Chamber of Commerce

**Nebraska**

Holdrege Area Chamber of Commerce  
Kearney Area Chamber of Commerce  
Lincoln Chamber of Commerce  
Seward County Chamber & Development Partnership

**Nevada**

Henderson Chamber of Commerce  
Vegas Chamber  
White Pine Chamber of Commerce

**New Hampshire**

Greater Nashua Chamber of Commerce

**New Jersey**

New Jersey State Chamber of Commerce

**New Mexico**

New Mexico Chamber of Commerce

**New York**

Orange County Chamber of Commerce

**North Carolina**

Cabarrus Regional Chamber of Commerce  
Caldwell Chamber of Commerce  
Greater Mount Airy Chamber of Commerce  
NC Chamber

**North Dakota**

The Chamber Grand Forks / East Grand Forks

**Ohio**

Streetsboro Area Chamber of Commerce  
Toledo Regional Chamber of Commerce

**Oklahoma**

Tulsa Regional Chamber of Commerce

**Oregon**

Lake County Chamber of Commerce  
Oregon Business & Industry  
Salem Area Chamber of Commerce  
Sweet Home Chamber of Commerce  
The Dalles Area Chamber of Commerce

**Pennsylvania**

Cambria Regional Chamber of Commerce  
Clarion Area Chamber of Business & Industry  
Greater Latrobe-Laurel Valley Regional Chamber of Commerce  
Greater Susquehanna Valley Chamber of Commerce  
Harrisburg Regional Chamber  
Pennsylvania Chamber of Business and Industry  
Schuylkill Chamber of Commerce  
Southern Chester County Chamber of Commerce  
Tyrone Area Chamber of Commerce  
Williamsport/Lycoming Chamber of Commerce

**Rhode Island**

East Bay Chamber of Commerce

**South Carolina**

Anderson Area Chamber of Commerce  
Fountain Inn Chamber of Commerce  
South Carolina Chamber of Commerce

**Tennessee**

Kingsport Chamber of Commerce  
Nashville Area Chamber of Commerce

**Texas**

Abilene Chamber of Commerce  
Baytown Chamber of Commerce  
Del Rio Chamber of Commerce



Fort Bend Chamber of Commerce  
Frisco Chamber of Commerce  
Greater Arlington Chamber of Commerce  
Longview TX Chamber of Commerce  
North Texas Commission  
Texas Association of Business

**Utah**

South Salt Lake Chamber of Commerce  
South Valley Chamber of Commerce  
The Salt Lake Chamber  
Utah Pacific Islander Chamber of Commerce  
Utah Valley Chamber of Commerce

**Virginia**

Central Fairfax Chamber of Commerce  
Loudoun County Chamber of Commerce

**Washington**

Association of Washington Business  
Bellevue Chamber of Commerce  
Economic Alliance Snohomish County  
Greater Lake Stevens Chamber of Commerce  
Moses Lake Chamber of Commerce

**West Virginia**

West Virginia Chamber of Commerce

**Wisconsin**

Forward Janesville  
Oshkosh Chamber of Commerce  
Wisconsin Manufacturers & Commerce

October 16, 2024

Mobile City Council  
Attn: Council Members  
Mobile Government Plaza  
205 Government Street  
Mobile, AL 36602

Dear Honorable Members of the Mobile City Council,

I am writing to express my enthusiastic support for the renewal of the Business Improvement District (BID). As a business in the downtown area, the Chamber has directly witnessed the positive impact that the Downtown Mobile District Management Corporation's oversight of the BID has made in enhancing our district's cleanliness, safety, and economic vitality. The Henry Aaron Loop has been transformed as a result of the > \$1 Billion invested downtown because of the foundational and transformational work of the BID.

Since its inception 20 years ago, the DMDMC has provided vital services, including additional street cleaning, beautification and horticulture projects, and motorist and hospitality services. The presence of their security and hospitality ambassadors has greatly contributed to the overall vitality and attractiveness of downtown Mobile, making it a more welcoming environment for visitors, residents, and businesses alike.

Moreover, the DMDMC has played a crucial role in the economic development of the area by advocating on behalf of local businesses, attracting new investment, and organizing events that have driven foot traffic to our stores and restaurants. As a result, property values have increased, and the economic outlook remains bright.

The Chamber believes that renewing the BID will allow the DMDMC to continue its essential work of fostering a vibrant, safe, and economically sustainable downtown. I urgently ask you to vote in favor of renewing the BID on November 12, 2024.

I look forward to witnessing the continued growth of downtown under the guidance of the DMDMC.

Best regards,



Bradley Byne  
President and CEO

November 12, 2024

Dear Speaker Johnson, Majority Leader Schumer, Leader Jeffries, and Leader McConnell:

The undersigned coalition of state and local chambers of commerce urge Congress to expeditiously pass an emergency supplemental appropriations bill during the upcoming Congressional work period to replenish funding for disaster relief programs that have been or are at threat of being exhausted as result of recent natural disasters, including Hurricanes Helene and Milton. Additional funding is necessary to both help already devastated communities and ensure that there are adequate resources to respond to future droughts, hurricanes, tornados, wildfires, and other severe weather.

We also urge you to take the opportunity to complete work on bipartisan proposals to expand predisaster mitigation and resilience projects. These efforts not only help communities prepare for natural disasters, they reduce after disaster costs, including for federal taxpayers.

### Emergency Supplemental Funding

Specifically, we urge the Congress to approve immediate additional funding for:

- The Small Business Administration's Economic Injury Disaster Loans (EIDL), which are a critical lifeline for small businesses, non-profits, and homeowners as they seek to rebuild after a natural disaster.
- Federal Emergency Management Agency (FEMA) disaster recovery and assistance programs, which help individuals, families, and local governments in the immediate aftermath of a natural disaster.
- The Department of Transportation's emergency relief program, which assists with repairing and replacing critical national assets and lifeline infrastructure impacted by unforeseen disasters. These roads, bridges, and other critical infrastructure projects are vital to local economies.

### Bipartisan Predisaster Policy Solutions

The following predisaster mitigation policies [and others](#), included in bipartisan legislation already advancing through regular order offer a solid downpayment that will help bolster both current and future federal resilience capabilities in a smart and efficient manner:

- H.R. 6093, the Weather Act, H.R. 7070, the Wildfire Response Improvement Act, H.R. 7671, the Disaster Management Cost Modernization Act, and H.R.

8790, the Fix our Forests Act, and for additional funding and predisaster authorities for comprehensive programs, including CDBG-DR and small business loans.

The U.S. Chamber of Commerce, together with the Chamber Foundation and Allstate recently released the [Preparedness Payoff](#), a report which states that for every \$1 invested in predisaster mitigation and resilience projects and measures, there are \$13 in overall savings. This means that planning ahead and adapting infrastructure to anticipated disaster risks (e.g., rerouting, hardening infrastructure, and nature-based solutions) can decrease losses due to disasters and reduce the impact on the economy, allowing communities to recover more quickly.

Thank you for your consideration and we look forward to working with Congress to help communities recover from recent disaster and ensure that the policies and support are in place to prepare for future disasters.

Sincerely,

U.S. Chamber of Commerce

#### **Alabama**

Greater Pell City Chamber of Commerce  
Mobile Chamber  
Opelika Chamber of Commerce  
Prattville Area Chamber of Commerce

#### **Arizona**

Buckeye Valley Chamber of Commerce  
Greater Phoenix Chamber  
Kingman Area Chamber of Commerce  
Lake Havasu Area Chamber of Commerce  
Prescott Valley Chamber of Commerce  
Scottsdale Area Chamber of Commerce  
Tempe Chamber of Commerce  
West Valley Chamber of Commerce Alliance

#### **Arkansas**

Arkansas State Chamber / AIA  
Little Rock Regional Chamber of Commerce  
Rogers-Lowell Chamber

**California**

Brea Chamber of Commerce  
California Chamber of Commerce  
Chino Valley Chamber of Commerce  
Coalition of California Chambers Orange County  
Gateway Chambers Alliance  
Greater Bakersfield Chamber  
Greater Coachella Valley Chamber of Commerce  
Greater Conejo Valley Chamber of Commerce  
Greater Grass Valley Chamber of Commerce  
Greater Irvine Chamber of Commerce  
Laguna Hills Chamber of Commerce  
Lake Elsinore Valley Chamber of Commerce  
Long Beach Area Chamber of Commerce  
Murrieta/Wildomar Chamber of Commerce  
Newport Beach Chamber of Commerce  
North San Diego Business Chamber  
Palm Desert Area Chamber of Commerce  
Palos Verdes Peninsula Chamber of Commerce  
Pasadena Chamber of Commerce & Civic Association  
Porterville Chamber of Commerce  
Rancho Cordova Area Chamber of Commerce  
San Diego Regional Chamber of Commerce  
San Juan Capistrano Chamber of Commerce  
San Marcos Chamber of Commerce  
Santa Barbara South Coast Chamber of Commerce  
Santa Clarita Valley Chamber of Commerce  
Simi Valley Chamber of Commerce  
South Bay Association of Chambers of Commerce  
Valley Industry & Commerce Association  
Vista Chamber of Commerce  
West Ventura County Business Alliance  
Yorba Linda Chamber of Commerce

**Colorado**

Aurora Chamber of Commerce  
Colorado Chamber of Commerce  
Vail Valley Partnership

**Connecticut**

CBIA

**Florida**

Boca Raton Chamber of Commerce  
Coral Gables Chamber of Commerce  
Florida Chamber of Commerce  
Fort Myers Beach Chamber of Commerce  
Greater Fort Lauderdale Chamber of Commerce  
Greater Sarasota Chamber of Commerce  
Manatee Chamber of Commerce  
Punta Gorda Chamber of Commerce  
South Tampa Chamber of Commerce  
St. Petersburg Area Chamber of Commerce  
Tampa Bay Beaches Chamber of Commerce  
Tampa Bay Chamber of Commerce

**Georgia**

Barrow County Chamber of Commerce  
Brookhaven Chamber of Commerce  
Chattooga County Chamber of Commerce  
Columbia County Chamber of Commerce  
Cordele-Crisp Chamber of Commerce  
Darien-McIntosh County Chamber of Commerce  
Fayette County Chamber of Commerce  
Georgia Chamber of Commerce  
Georgia Hispanic Chamber of Commerce  
Greater Hall Chamber of Commerce  
Greater Macon Chamber of Commerce  
Greater Vidalia Chamber  
Habersham County Chamber of Commerce  
Hazlehurst-Jeff Davis County Chamber of Commerce  
Henry County Chamber of Commerce  
Jackson County Area Chamber of Commerce  
Jefferson County Chamber of Commerce  
Metro Atlanta Chamber  
Newton Chamber of Commerce  
Paulding Chamber of Commerce  
Roberta-Crawford Chamber of Commerce

Rome Floyd Chamber of Commerce  
Savannah Area Chamber of Commerce

### Hawaii

Chamber of Commerce Hawaii  
Kapolei Chamber of Commerce  
Kaua'i Chamber

### Idaho

Boise Metro Chamber  
Pocatello-Chubbuck Chamber of Commerce  
Twin Falls Area Chamber of Commerce

### Illinois

Chicagoland Chamber of Commerce  
Dixon Chamber of Commerce & Main Street  
Edwardsville/Glen Carbon Chamber of Commerce  
Elmhurst Chamber of Commerce and Industry  
GLMV Chamber of Commerce  
Illinois Chamber of Commerce  
Naperville Area Chamber of Commerce  
RiverBend Growth Association  
The Greater Springfield Chamber of Commerce  
Western DuPage Chamber of Commerce

### Indiana

Crossroads Chamber  
Fulton County Chamber of Commerce  
Greater Lawrence Chamber of Commerce  
Indiana Chamber Executives Association  
Indiana Chamber of Commerce  
Kendallville Area Chamber of Commerce  
OneZone Chamber

### Iowa

Waverly Chamber of Commerce

### Kentucky

Commerce Lexington

Kentucky Chamber of Commerce  
Northern Kentucky Chamber of Commerce  
Union County Chamber of Commerce

### **Louisiana**

Committee of 100 for Economic Development  
Greater Shreveport Chamber of Commerce  
Louisiana Association of Business & Industry  
One Acadiana  
St. Tammany Chamber of Commerce

### **Maryland**

Harford County Chamber of Commerce  
Maryland Chamber of Commerce

### **Massachusetts**

Greater Boston Chamber of Commerce

### **Michigan**

Detroit Regional Chamber  
Greater Brighton Area Chamber of Commerce  
Lansing Regional Chamber of Commerce  
Michigan Chamber of Commerce  
Midland Business Alliance

### **Mississippi**

Mississippi Economic Council

### **Missouri**

Greater Kansas City Chamber of Commerce  
Greater West Plains Area Chamber of Commerce

### **Montana**

Billings Chamber of Commerce  
Glasgow Area Chamber of Commerce & Agriculture  
Helena Area Chamber of Commerce  
Kalispell Chamber of Commerce

### **Nebraska**



Nebraska Chamber of Commerce & Industry

**Nevada**

Reno + Sparks Chamber of Commerce

Vegas Chamber

**New Hampshire**

Business & Industry Association of New Hampshire

**New Jersey**

Burlington County Regional Chamber of Commerce

New Jersey Chamber of Commerce

**New Mexico**

New Mexico Chamber of Commerce

**New York**

North Country Chamber of Commerce

**North Carolina**

Alleghany County Chamber of Commerce

Anson County Chamber of Commerce

Apex Chamber of Commerce

Asheville Area Chamber of Commerce

Avery County Chamber of Commerce

Black Mountain-Swannanoa Chamber of Commerce

Blowing Rock Chamber of Commerce

Boone Area Chamber of Commerce

Cabarrus Regional Chamber of Commerce

Caldwell Chamber of Commerce

Charlotte Regional Business Alliance

Chatham Chamber of Commerce

Clayton Chamber of Commerce

Edenton-Chowan Chamber of Commerce

Four Oaks Chamber of Commerce

Greater Raleigh Chamber of Commerce

Greater Winston Salem, Inc.

Greenville-Pitt County Chamber of Commerce

Henderson County Chamber of Commerce

Highlands Chamber of Commerce  
Hillsborough/Orange County Chamber of Commerce  
Holly Springs Chamber of Commerce  
Jackson County Chamber of Commerce  
Madison County Chamber of Commerce  
Matthews Chamber of Commerce  
McDowell Chamber of Commerce  
Mint Hill Chamber of Commerce  
Montcross Area Chamber of Commerce  
Moore County Chamber  
Perquimans County Chamber of Commerce  
Randleman Chamber of Commerce  
Rocky Mount Area Chamber of Commerce  
Rowan County Chamber of Commerce  
The Chamber for a Greater Chapel Hill-Carrboro  
The Chamber of Catawba County  
Triangle East Chamber of Commerce  
Wilmington Chamber of Commerce

### **North Dakota**

The Chamber - Grand Forks / East Grand Forks

### **Ohio**

Ashland Area Chamber of Commerce  
Chillicothe Ross Chamber of Commerce  
Huber Heights Chamber of Commerce  
Marion Area Chamber of Commerce  
Pickerington Area Chamber of Commerce  
Streetsboro Area Chamber of Commerce  
Toledo Regional Chamber of Commerce  
Troy Area Chamber of Commerce

### **Oklahoma**

Bixby Metro Chamber of Commerce  
Greater Oklahoma City Chamber  
Norman Chamber of Commerce  
State Chamber of Oklahoma  
Tulsa Regional Chamber

**Oregon**

Albany Area Chamber of Commerce  
 Canby Area Chamber of Commerce  
 Greater Newport Chamber of Commerce  
 Lake County Chamber of Commerce  
 McMinnville Area Chamber of Commerce  
 Oregon Business & Industry  
 Portland Metro Chamber  
 Roseburg Area Chamber of Commerce  
 Salem Area Chamber of Commerce  
 Sisters Area Chamber of Commerce  
 Stayton Sublimity Chamber of Commerce  
 Union County Chamber of Commerce  
 Washington County Chamber of Commerce

**Pennsylvania**

Allegheny Conference on Community Development  
 Carlisle Area Chamber of Commerce  
 Greater Latrobe-Laurel Valley Regional Chamber of Commerce  
 Hanover Area Chamber of Commerce  
 Harrisburg Regional Chamber  
 Lebanon Valley Chamber of Commerce  
 Pennsylvania Chamber of Business and Industry  
 Schuylkill Chamber of Commerce  
 Somerset County Chamber of Commerce  
 South West Regional Chamber of Commerce  
 Southern Chester County Chamber of Commerce  
 The Chamber of Commerce for Greater Philadelphia  
 The Greater Scranton Chamber of Commerce  
 Wyoming County Chamber of Commerce

**South Carolina**

Aiken Chamber of Commerce  
 Beaufort Regional Chamber of Commerce  
 Fountain Inn Chamber of Commerce  
 Greater Columbia Chamber of Commerce  
 Greater Hartsville Chamber of Commerce  
 Greater Mauldin Chamber of Commerce  
 Greater Summerville/Dorchester County Chamber of Commerce

Greenville Chamber of Commerce  
Hilton Head Island-Bluffton Chamber of Commerce  
South Carolina Chamber of Commerce  
Tri-County Regional Chamber of Commerce  
Upstate Chamber Coalition

### **Tennessee**

Blount County Chamber of Commerce  
Bristol Chamber of Commerce  
Farragut West Knox Chamber of Commerce  
Kingsport Chamber  
Tennessee Chamber of Commerce & Industry

### **Texas**

Abilene Chamber of Commerce  
Brazosport Area Chamber of Commerce  
Fort Bend Chamber of Commerce  
Greater Houston Partnership  
Irving Hispanic Chamber of Commerce  
Metrocrest Chamber of Commerce  
North Texas Commission

### **Utah**

Salt Lake Chamber  
South Valley Chamber of Commerce  
St. George Area Chamber of Commerce

### **Vermont**

Vermont Chamber of Commerce

### **Virginia**

Central Fairfax Chamber of Commerce  
Danville Pittsylvania Chamber of Commerce  
Front Royal-Warren County Chamber of Commerce  
Hampton Roads Chamber  
Highland County Chamber of Commerce  
Loudoun County Chamber of Commerce  
Virginia Chamber of Commerce  
Virginia Peninsula Chamber

**Washington**

Association of Washington Business  
Bellingham Regional Chamber of Commerce  
Coupeville Chamber of Commerce  
Covington Chamber of Commerce  
Greater Spokane Valley Chamber of Commerce  
Lakewood Chamber of Commerce

**West Virginia**

West Virginia Chamber of Commerce

**Wisconsin**

Beaver Dam Area Chamber of Commerce  
Forward Janesville  
Greater Green Bay Chamber  
Wisconsin Manufacturers & Commerce

**Wyoming**

Campbell County Chamber of Commerce  
Casper Area Chamber of Commerce  
Jackson Hole Chamber of Commerce  
Wyoming State Chamber of Commerce

No. 24-3868

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**In the United States Court of Appeals  
for the Sixth Circuit**

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DAYTON AREA CHAMBER OF COMMERCE, ET AL.,

*Plaintiffs-Appellants,*

v.

XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS  
SECRETARY OF THE U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES, ET AL.,

*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Southern District of Ohio, Western Division  
(No. 3:23-cv-00156) (The Hon. Michael J. Newman)

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**BRIEF OF AMICI CURIAE KENTUCKY CHAMBER OF COMMERCE  
AND OTHER STATE AND LOCAL CHAMBERS  
SUPPORTING APPELLANTS**

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## **CORPORATE DISCLOSURE STATEMENT**

Amici make the following disclosures under Sixth Circuit Rule 26.1:

1. Are amici subsidiaries or affiliates of a publicly owned corporation?

No. The Kentucky Chamber of Commerce and other amici state and local chambers are not subsidiaries or affiliates of any other corporation but are nonprofit trade groups that have no shares of securities that are publicly traded.

2. Is there a publicly owned corporation, not a party to the appeal or an amicus, that has a financial interest in the outcome?

None known.

/s/ Jeffrey B. Wall

Jeffrey B. Wall

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## INTEREST OF THE AMICI CURIAE

The Kentucky Chamber of Commerce is the premier business association in the Commonwealth of Kentucky, representing 3,800 member businesses from family-owned shops to Fortune 500 companies, who employ more than half of the Commonwealth's workforce. The Kentucky Chamber, through its partnership with more than 80 local chambers across the Commonwealth and formidable grassroots network, serves as a champion for business-friendly policies that will benefit all Kentuckians. The Kentucky Chamber also provides its members with resources, advocacy, and training to enhance business operations.

The Kentucky Chamber views litigation as an important way it can represent its members' legislative and regulatory interests. The questions at issue in this appeal—the limits of associational standing—are thus of great importance to the Kentucky Chamber.

The appendix lists 148 additional state and local chambers that join this brief. Each is an association that represents the business community in a particular geographic area, but that geographic focus does not limit the association's ability to advocate for the interests of members who may be headquartered elsewhere or to advocate for policies that will be generally

beneficial to the business community or economic climate. National policies can have real importance to state and local chambers, which have a clear interest in being able to challenge such policies.\*

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\* No party's counsel authored this brief in whole or in part, and no one other than amici contributed money intended to fund preparing or submitting the brief. The parties have consented to the filing of this brief. *See* Fed. R. App. P. 29(a)(2) and (4)(E).

## INTRODUCTION

In 2022, Congress passed the Inflation Reduction Act. That statute represents a broad assertion of governmental power. Among other things, the statute delegates power to the Secretary of Health and Human Services to negotiate the prices for certain prescription drugs with select drug manufacturers. 42 U.S.C. § 1320f(a). A manufacturer is on the hook for steep monetary penalties if the company fails to reach an agreement with the Secretary. This is true even if the Secretary is holding out for a significant discount.

The Dayton Area Chamber of Commerce—joined by the Ohio, Michigan, and United States Chambers of Commerce—filed suit. The Dayton Chamber represents pharmaceutical manufacturers directly subject to this price-control regime. But the Dayton Chamber’s suit could not even get off the ground because the district court concluded that the Dayton Chamber lacked associational standing. In the court’s view, this lawsuit is not “germane” to the Dayton Chamber’s mission. That is a puzzling result. Courts have repeatedly acknowledged that the “[g]ermaneness requirement is ‘undemanding’ and requires ‘mere pertinence’ between the litigation at issue and the organization’s purpose.” *Ass’n of Am. Physicians & Surgeons, Inc. v.*

*Tex. Med. Bd.*, 627 F.3d 547, 550 n.2 (5th Cir. 2010) (quoting *Bldg. & Const. Trades Council of Buffalo, N.Y. & Vicinity v. Downtown Dev., Inc.*, 448 F.3d 138, 148 (2d Cir. 2006)).

The Dayton Chamber clears that low bar for at least two related reasons. First, some of its members are directly affected by the Drug Price Negotiation Program. Second, the mission of the Dayton Chamber is to “improve the region’s business climate . . . through public policy advocacy.” Dkt. 29-2, Kershner Decl. at PageID 171 ¶4. The Program harms “the region’s business climate” by adversely affecting many businesses in the region. For either and both of those reasons, the Dayton Chamber has standing to pass through the courthouse doors. The district court erred by fashioning a physical-footprint requirement that is at odds with binding precedent and that threatens the ability of regional organizational plaintiffs to effectively represent members who are headquartered out of state and who may join multiple organizations to advance their local and national interests. This Court should reverse the judgment below.

## ARGUMENT

### I. THE DECISION BELOW IS WRONG.

The doctrine of associational or representational standing allows a membership association to sue on behalf of its members when “(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977). The second prong of that test is not demanding and the Dayton Chamber satisfies it. The district court concluded otherwise because it misunderstood how the germaneness requirement works and took too narrow a view of the Dayton Chamber’s purpose and the interests that the Dayton Chamber may protect in litigation.

#### A. The District Court Erred In Holding That The Dayton Chamber Does Not Meet The Germaneness Requirement.

1. In *United Food & Commercial Workers Union Local 751 v. Brown Group, Inc.*, the Supreme Court explained that the germaneness requirement is designed to ensure “that the association’s litigators will themselves have a stake in the resolution of the dispute, and thus be in a position to serve as the defendant’s natural adversary.” 517 U.S. 544, 555-556

(1996). Likewise, this Court has recognized that the germaneness requirement is keyed to ensuring simply that the plaintiff will prosecute its case with sufficient “adversarial vigor” to satisfy Article III’s case-or-controversy requirement. *Ass’n of Am. Physicians & Surgeons v. FDA*, 13 F.4th 531, 542 (6th Cir. 2021).

Lower courts have understood the germaneness requirement as an “undemanding” standard that is satisfied when there is “mere pertinence” between the litigation at issue and the organization’s purpose. *Nat’l Lime Ass’n v. EPA*, 233 F.3d 625, 636 (D.C. Cir. 2000); *see Presidio Golf Club v. Nat’l Park Serv.*, 155 F.3d 1153, 1159 (9th Cir. 1998) (same); *Bldg. & Const. Trades Council of Buffalo, N.Y. & Vicinity v. Downtown Dev., Inc.*, 448 F.3d 138, 148 (2d Cir. 2006) (same). In *Humane Society of the United States v. Hodel*, the D.C. Circuit concluded that germaneness is a “modest but sensible” requirement that screens out only cases where there would otherwise be a “wholesale mismatch between litigation topics and organizational expertise” or where “association leaders [are] abusing their offices.” 840 F.2d 45, 57-58 (D.C. Cir. 1988). The Second Circuit has likewise emphasized the Court’s deliberate use of the adjective “germane” rather than another phrase such as



“at the core of” or “central to” that might call for a more stringent review. *Bldg. & Const.*, 448 F.3d at 148.

Because germaneness is not meant to be a stringent requirement, courts have found it satisfied by organizational plaintiffs in a wide variety of contexts. This Court has held, for example, that a shipping association can challenge permit requirements because it “promote[s] the interests of its shipowner and agent members in maritime transportation.” *Fednav, Ltd. v. Chester*, 547 F.3d 607, 615 (6th Cir. 2008). Comparable examples abound in sister circuits. The Second Circuit, for instance, has held that a labor union can enforce environmental laws that improve its members’ “working conditions,” *Bldg. & Const.*, 448 F.3d at 149, while the Fifth Circuit has held that a national medical association can sue a state medical board to protect doctors from “governmental abuse,” *Tex. Med. Bd.*, 627 F.3d at 550 n.2.

The common lesson of these cases is that an organization has associational standing to sue when its suit plausibly furthers the general interests that individual members sought to vindicate by joining the organization in the first instance. Because litigation is costly and resources are often scarce, it is unsurprising that associations typically file lawsuits only to further their missions. Thus, any question about associational standing

ordinarily centers on the other prongs of the *Hunt* test, not germaneness. Indeed, a leading treatise notes that “[t]he second element seldom presents a serious issue.” 8D Charles Alan Wright et al., *Federal Practice and Procedure* § 8345 (4th ed. 2024).

2. Here, the interests that the Dayton Chamber seeks to vindicate in this action are germane to its purpose. Businesses join the Dayton Chamber because of its broad commitment to “improv[ing] the region’s business climate.” Dkt. 29-2, Kershner Decl. at PageID 171 ¶4. To further that commitment, the Chamber must wear multiple hats simultaneously. At times, it serves as a resource for local businesses looking to learn best practices and improve internal operations. Other times, it is a lobbying force pushing state and federal lawmakers to enact pro-competitive and pro-business policies. And yet other times, the Dayton Chamber pursues its agenda through litigation challenging unlawful governmental actions. *See id.* Each of those efforts contributes to fostering a “business friendly legislative and regulatory environment that encourages the growth and economic prosperity of businesses.” *Id.* at ¶6.

With respect to this litigation specifically, the President and CEO of the Dayton Chamber warned that the Drug Price Negotiation Program would

“hamper[] innovation and jeopardize[] free enterprise across business as a whole.” Chris Kershner & Steve Stivers, *Ohio Businesses Cannot Stand for Government Overreach*, Dayton Daily News (June 25, 2023), <http://tinyurl.com/4fvkedsk>. It was natural for the Dayton Chamber to be concerned because it includes “various members across the supply chain that are impacted by [the Program].” Dayton Area Chamber of Com., *Dayton Area Chamber of Commerce Joins Ohio, Michigan, and U.S. Chambers in Lawsuit Against Federal Government Overreach* (June 9, 2023), <https://tinyurl.com/yw26zycp>. Bringing this action was entirely consistent with the Dayton Chamber’s 118-year record of advocating for the business community.

**B. The District Court Effectively Rewrote The Germaneness Requirement.**

The district court reached a contrary conclusion because it asked the wrong question. The court did not ask whether the lawsuit’s subject matter is relevant to the organization’s purpose. Instead it asked whether the Dayton Chamber is representing the interests of members who have a significant physical and commercial presence in the Dayton area. The court thus wrongly introduced a novel geographic requirement into the associational-standing

analysis. The court also took far too narrow a view of the interests that the Dayton Chamber is entitled to protect in the courts.

1. The germaneness inquiry is tied to ensuring that a “modicum of concrete adverseness” exists between the plaintiff-association and the defendant, *Hodel*, 840 F.2d at 58, and courts should therefore analyze whether the lawsuit, if successful, furthers the type of interest that the members of an organization expect the organization to vindicate. *Bldg. & Const.*, 448 F.3d at 149. Nothing more, nothing less. The district court veered off course by asking an entirely different question: namely, whether the Dayton Chamber had identified affected members who have a significant physical and commercial presence, such as a corporate headquarters, in the Dayton area. *Dayton Area Chamber of Com. v. Becerra*, No. 3:23-cv-156, 2024 WL 3741510, at \*5 (S.D. Ohio Aug. 8, 2024). The court concluded that this lawsuit could not be germane to the Dayton Chamber’s purpose because the association could not “directly connect[] the interests” of its identified members “to the business climate in the Dayton area.” *Id.*

The district court did not cite any other decisions to apply the germaneness analysis that way, nor are amici aware of any court to ask whether an association’s affected members are located or headquartered in

the same jurisdiction as the association. To the contrary, the germaneness analysis is keyed to the relationship between the litigation’s *subject matter* and the organization’s purpose. *See Hodel*, 840 F.2d at 58. For that reason, courts can analyze an association’s standing without inquiring into the residency of its members. *See Fednav, Ltd.*, 547 F.3d at 615 (finding that a shipping association could challenge a permit requirement on behalf of its members with no inquiry into the corporate citizenship of the members); *see also Career Colls. & Schs. of Tex. v. U.S. Dept. of Educ.*, 98 F.4th 220, 234 (5th Cir. 2024) (trade association representing career schools could challenge federal regulations with no inquiry into where its members resided).

The district court adopted a “narrow interpretation” of the case law based on its own doubts about associational standing as a matter of first principles. *Becerra*, 2024 WL 3741510, at \*5; *see id.* at \*7 (citing *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 400-401 (2024) (Thomas, J., concurring)). But “[t]he structure of our judicial system mandates” that lower-court judges adhere faithfully to Supreme Court precedent, *Memphis Ctr. for Reproductive Health v. Slatery*, 14 F.4th 409, 456 (6th Cir. 2021) (Thapar, J., concurring in part and dissenting in part), and here the district court should have asked

simply whether “the interests [the Dayton Chamber] seeks to protect are germane to the organization’s purpose,” *Hunt*, 432 U.S. at 343.

Logic does not offer any more support than precedent for the district court’s innovation. There is no necessary relationship between a member’s brick-and-mortar locations and the lawsuit’s germaneness to an organization’s interest. Suppose Ohio passes a law forbidding certain types of alcohol sales and associations in both Cincinnati and Columbus sue. The Cincinnati association identifies a large liquor store in Covington, Kentucky as an injured member because that store primarily sells to customers in Ohio (which is why it joined the Cincinnati group in the first place, to protect its retail interests). The Columbus association identifies a small liquor store that makes limited local sales. On the district court’s view, those associations should be treated differently for standing purposes, even though they are equally representing their members’ interests.

One other court has already rejected the district court’s approach to germaneness. In a lawsuit brought by the Fort Worth Chamber of Commerce challenging a CFPB rule in the Northern District of Texas, the government argued that the Fort Worth Chamber lacked standing because it did not identify any members that were headquartered in Fort Worth. The district

court rejected the government's argument because there was an obvious, tight link between the Fort Worth Chamber's mission of promoting a "thriving business climate" in the region and the lawsuit's interest in protecting members affected by the challenged rule. *Chamber of Com. of the U.S. v. CFPB*, No. 4:24-cv-213, 2024 WL 5012061, at \*4 (N.D. Tex. Dec. 6, 2024).

2. The Dayton Chamber not only seeks to protect the specific interests of its pharmaceutical members; it also seeks to protect the broader interests of the Dayton business community, and those interests are likewise "germane to the organization's purpose." *Hunt*, 432 U.S. at 343. The district court reasoned that the Drug Price Negotiation Program's "potential downstream effects" on the Dayton economy are "far too speculative to connect this lawsuit to the business climate of the Dayton area." *Becerra*, 2024 WL 3741510, at \*5. Here too, the district court erred. Whether an alleged harm is speculative goes to injury-in-fact, not germaneness. The point of germaneness is to ensure that the association will diligently pursue its case. The Dayton Chamber showed that it will.

Specifically, the Dayton Chamber showed that the Program threatens to harm the Dayton economy. As the Dayton Chamber documented, the Program's price-fixing provisions reach every pharmaceutical manufacturer

in the country. 42 U.S.C. § 1320f. Thus, even if the Secretary only begins with the largest pharmaceutical companies, the Program will eventually affect the entire industry, whether directly or indirectly. The Program also risks disrupting the supply chains for many of the Dayton Chamber’s members. *See Dayton Area Chamber of Com., Dayton Area Chamber of Commerce Joins Ohio, Michigan, and U.S. Chambers in Lawsuit Against Federal Government Overreach* (June 9, 2023), <https://tinyurl.com/yw26zycp> (“The Dayton Area Chamber of Commerce has various members across the supply chain that are impacted by this federal law.”). Regulating the prices that pharmaceutical companies can charge will inevitably have spillover effects, whether in research and development, investment, or retail. There is no apparent reason why those effects would not be felt in the Dayton area.

## **II. THE DECISION BELOW THREATENS THE ABILITY OF STATE AND LOCAL ASSOCIATIONS TO REPRESENT THEIR MEMBERS.**

The Supreme Court has observed that associational standing is important because organizational plaintiffs can possess three “special features” which are “advantageous both to the individuals represented and to the judicial system as a whole.” *Int’l Union, UAW v. Brock*, 477 U.S. 274, 289 (1986). Those features are (1) the “pre-existing reservoir of expertise and



capital . . . relating to the subject matter of the lawsuit,” (2) the ability to attract like-minded members who can pool resources together to “create an effective vehicle for vindicating” their shared interests, and (3) the accountability to these members that will “provide some guarantee that the association will work to promote [the members’] interests.” *Id.* at 289-290.

Those advantages are especially important in a federalist system like ours because regulated parties often must navigate a patchwork of overlapping and inconsistent rules and regulations issued by state and federal policymakers. *See* Jeffrey S. Sutton, *51 Imperfect Solutions: States and the Making of American Constitutional Law* (2018). Consider any national corporation that, although headquartered in a particular state, operates across a substantial number (or all) of the 50 states. Such a company must comply with each state’s and locality’s unique rules—anything from zoning to tax law—while also complying with federal law. And even large companies find it difficult and costly to monitor regulatory developments across a host of jurisdictions.

For that reason, local associations like the various Chambers of Commerce have become critical resources for their members. These associations can leverage their expertise and familiarity with local dynamics

to be effective while spreading the costs of advocacy across their members. Thus, it is now entirely ordinary for companies to be active members of many different associations that represent their interests in discrete ways. Some organizations will train attention and husband resources to lobby for a specific mission, while others—like the Dayton Chamber—will have more holistic agendas focused on a favorable regulatory environment for members. This constellation of associations allows companies to further their interests across the multiple jurisdictions in which they operate.

The district court's rule threatens to frustrate these important goals by requiring associations to bring suit only in jurisdictions where their members are headquartered. Again, that rule bears no logical relationship to the germaneness requirement. Suppose that the city council in Ann Arbor is considering whether to regulate vacation-rental services. Presumably national vacation-rental services (and national hotel chains) have an interest in that issue, but on the district court's approach it would be of no moment even if every one of those companies is a card-carrying, dues-paying member of the Ann Arbor Chamber. The court's test is disconnected from the role of the germaneness requirement, which is to ensure that the association

possesses sufficient “adversarial vigor to litigate.” *Ass’n. of Am. Physicians & Surgeons v. FDA*, 13 F.4th at 542.

Worse still, the district court’s rule would disproportionately handicap associations like many of the amici which are located in jurisdictions where significant businesses are unlikely to be headquartered. Indeed, this case is a poster child for the unequal outcomes that this rule would generate. Under the district court’s theory of associational standing, the only appropriate venues for this lawsuit were California, Illinois, Massachusetts, and Washington. *Becerra*, 2024 WL 3741510, at \*5-6. To be sure, other associations with other pharmaceutical members might be able to sue in additional venues, but the point remains that litigation will be concentrated in the places where industries are headquartered—even if the effects of governmental regulation are felt everywhere.

\* \* \*

The Dayton Chamber clearly documented how the Program, which threatens to overhaul the country’s pharmaceutical and healthcare industries, would materially impact the Dayton economy in ways both direct and indirect. Under well-settled law, that should have been enough.

## CONCLUSION

The Court should reverse the judgment below.

Dated: December 30, 2024

Respectfully submitted,

/s/ Jeffrey B. Wall

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### **CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 32(g)(1), I certify that this brief complies with the length limitation of Federal Rule of Appellate Procedure 29(a)(5) because this brief contains 3,956 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionately spaced typeface using Century Expanded BT 14-point font.

Dated: December 30, 2024

/s/ Jeffrey B. Wall  
Jeffrey B. Wall

**CERTIFICATE OF SERVICE**

I hereby certify that on December 30, 2024 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished through the CM/ECF system.

Date: December 30, 2024

/s/ Jeffrey B. Wall

Jeffrey B. Wall

## APPENDIX

### List of Amici Curiae

Aiken Chamber of Commerce  
 Alaska Chamber  
 Arizona Chamber of Commerce and Industry  
 Arkansas State Chamber of Commerce and Associated Industries of  
     Arkansas  
 Barrow County Chamber of Commerce  
 Bay City Chamber of Commerce and Agriculture  
 Bellingham Regional Chamber of Commerce  
 Bend Chamber of Commerce  
 Berkeley Chamber of Commerce  
 Billings Chamber of Commerce  
 Brainerd Lakes Chamber of Commerce  
 Brookville Area Chamber of Commerce  
 Buffalo Niagara Partnership  
 Burlington Chamber of Commerce  
 Burlington County Regional Chamber of Commerce  
 Butler County Chamber of Commerce  
 Cadillac Area Chamber of Commerce  
 Canton Regional Chamber of Commerce  
 Carlsbad Chamber of Commerce  
 Casper Area Chamber of Commerce  
 Champaign County Chamber of Commerce  
 Chillicothe Ross Chamber of Commerce  
 Cocoa Beach Regional Chamber of Commerce  
 Colorado Chamber of Commerce  
 Columbus Area Chamber of Commerce  
 Columbus Chamber of Commerce  
 Commerce Lexington  
 Covington Chamber of Commerce  
 Del Rio Chamber of Commerce  
 Detroit Regional Chamber  
 Dixon Chamber of Commerce & Main Street, Inc.  
 Fountain Hills Chamber of Commerce  
 Frankfort Area Chamber of Commerce

Frederick County Chamber of Commerce  
 Garfield Park Chamber of Commerce  
 Georgia Chamber of Commerce  
 Greater Akron Chamber  
 Greater Cheyenne Chamber of Commerce  
 Greater Cleveland Partnership  
 Greater Flagstaff Chamber of Commerce  
 Greater Irvine Chamber of Commerce  
 Greater Louisville Inc. the Metro Chamber of Commerce  
 Greater Niles, MI Chamber of Commerce  
 Greater North Dakota Chamber  
 Greater Omaha Chamber  
 Greater Owensboro Chamber of Commerce  
 Greater Pensacola Chamber of Commerce  
 Greater Rochester Chamber of Commerce  
 Greater Taylor Chamber of Commerce  
 Greater Vancouver Chamber  
 Greater Wausau Chamber of Commerce  
 Greater Winston Salem, Inc.  
 Green Oaks, Libertyville, Mundelein, Vernon Hills (GLMV) Chamber of  
 Commerce  
 Greenwood Chamber of Commerce  
 Gwinnett Chamber of Commerce  
 Habersham County Chamber of Commerce  
 Hampton Roads Chamber  
 Harrisburg Regional Chamber & Capital Region Economic Development  
 Corporation  
 Illinois Black Chamber of Commerce Corporation  
 Illinois Chamber of Commerce  
 Indiana Chamber of Commerce  
 Jefferson City Area Chamber of Commerce  
 Jeffersontown Chamber  
 Jessamine County Chamber of Commerce  
 Kalispell Chamber of Commerce  
 Kansas Chamber of Commerce  
 Lake Barkley Chamber  
 Lake Havasu Area Chamber of Commerce  
 Lander Chamber of Commerce



Lansing Regional Chamber of Commerce  
Little Miami River Chamber Alliance  
Little Rock Regional Chamber  
Long Beach Area Chamber of Commerce  
Longview Chamber  
Loudoun County (VA) Chamber of Commerce  
Madison County Chamber of Commerce  
Maryland Chamber of Commerce  
McLean County Chamber of Commerce  
Meridian Chamber of Commerce  
Metro South Chamber of Commerce  
Metrocrest Chamber of Commerce  
Minnesota Chamber of Commerce  
Mississippi Economic Council - The State Chamber  
Missouri Chamber of Commerce and Industry  
Mobile Chamber  
Montana Chamber of Commerce  
Moses Lake Chamber of Commerce  
Mountain Lakes Chamber of Commerce  
Nacogdoches County Chamber of Commerce  
New Jersey State Chamber of Commerce  
New Mexico Chamber of Commerce  
Newnan-Coweta Chamber  
Nordonia Hills Chamber of Commerce  
Norman Chamber of Commerce  
North Carolina Chamber  
North Country Chamber of Commerce  
Northern Ohio Area Chambers of Commerce  
Pennsylvania Chamber of Business and Industry  
Perry County Chamber of Commerce  
Pickerington Area Chamber of Commerce  
Pocatello-Chubbuck Chamber of Commerce, Inc.  
Queen Creek Chamber of Commerce  
Queens Chamber of Commerce  
Rancho Cordova Area Chamber of Commerce  
Rock Springs Chamber of Commerce  
Roseburg Area Chamber of Commerce  
Rowan Chamber of Commerce

Santa Rosa Metro Chamber  
 Schuylkill Chamber of Commerce  
 Sedro-Woolley Chamber of Commerce  
 SnoValley Regional Chamber of Commerce  
 Somerset County PA Chamber  
 South Bend Regional Chamber  
 South Carolina Chamber of Commerce  
 Southern Chester County Chamber of Commerce  
 Southern Ohio Chamber Alliance  
 Springboro Chamber of Commerce  
 St. Charles Regional Chamber  
 State Chamber of Oklahoma  
 Tampa Bay Chamber  
 The Business Council of NY State, Inc.  
 The Chamber Grand Forks East Grand Forks  
 The Chamber of Commerce serving Middletown, Monroe, Trenton (OH)  
 The Columbia Montour Chamber of Commerce  
 The Greater Pigeon Forge Chamber of Commerce  
 The Greater Springfield Chamber of Commerce  
 The Huber Heights Chamber of Commerce  
 Thomson McDuffie Chamber of Commerce  
 Tipp City Chamber of Commerce  
 Toledo Regional Chamber of Commerce  
 Trotwood Chamber of Commerce  
 Troy Area Chamber of Commerce  
 Tucson Metro Chamber  
 Twin Falls Area Chamber of Commerce  
 Union County KY Chamber of Commerce  
 Vail Valley Partnership  
 Vegas Chamber  
 Washington County Chamber of Commerce  
 West Virginia Chamber of Commerce  
 Western DuPage Chamber of Commerce  
 Williamsport/Lycoming Chamber of Commerce  
 Winnetka-Northfield-Glencoe Chamber of Commerce  
 Worthington Area Chamber  
 Wyoming Chamber of Commerce  
 Wyoming State Chamber of Commerce

Yorba Linda Chamber of Commerce  
Youngstown/Warren Regional Chamber  
Zanesville-Muskingum County Chamber of Commerce