



July 30, 2024

To Members of the Senate Committee on Health, Education, Labor and Pensions:

The U.S. Chamber of Commerce urges you to reject the nomination of Lauren McFerran for another term as Chair of the National Labor Relations Board (NLRB) should the Chair force a vote on her nomination.

We renew our call for you and the Committee to investigate Ms. McFerran's controversial and problematic tenure as Chair before acting on her nomination for another term. There is ample time for the Committee to undertake this work before her term expires on December 16, 2024.

Some of the things the Committee should review as part of its traditional advice and consent responsibilities include:

- In July 2023, the NLRB Inspector General (IG) issued a scathing report regarding the manner in which the Board has conducted mail ballot elections, stating that such conduct “could have a significant adverse impact on the NLRB in performing its statutory mission.” The Board has not taken constructive action to correct these failings, even after the IG noted that NLRB officials had lacked “candor” during his investigation.
- Courts of Appeal and the Supreme Court have rebuked the NLRB and overturned a number of its decisions, including earlier this year when a District Court invalidated the Board's joint employer rulemaking. Recently, the NLRB dropped its attempt to appeal.
- Under Ms. McFerran's leadership, the NLRB has pursued radical changes in labor law. For example, in its *Cemex* decision the Board reinterpreted more than 80 years of settled labor law in a manner that could force workers into unions without a vote. It has also infringed upon the free speech rights of both employers and individuals, and prevented employers from maintaining workplaces free of harassment.

We strongly urge you to reject Ms. McFerran's nomination, should the Chair force a vote. The Committee has sufficient time to complete work on a detailed review of Ms. McFerran's performance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wickham". The signature is fluid and cursive, with a large initial "T" and "W".

Tom Wickham  
Senior Vice President  
U.S. Chamber of Commerce