

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

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TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce urges the Senate to support cloture and final passage of the nomination of Marvin Kaplan to be a member of the National Labor Relations Board.

The two currently open seats on the Board mean that despite a Chair named by President Trump and confirmed by the Senate, the Board remains controlled by members appointed by the previous Administration. During that period, the Board moved aggressively to undo decades of settled precedent and doctrines with the intent of enhancing the ability of unions to increase their membership. Through the Board's cases and regulations it reduced employers' ability to communicate to their employees, allowed unions to manipulate the size of bargaining units for their purposes, dramatically expanded the definition of who would be considered a joint employer for organizing purposes, and restricted employers' ability to establish workplace policies through employee handbooks.

Mr. Kaplan would bring multiple layers of experience to this position, having been counsel on the House Education and Workforce Committee, and currently serving as counsel to the Occupational Safety and Health Review Commission. He also served in the Department of Labor's Office of Labor Management Standards near the end of the George W. Bush administration. His activities on the Education and Workforce Committee included oversight work on the NLRB's actions against Boeing's decision to move work to a plant in South Carolina. This background gives him an appreciation of the need to restore credibility to NLRB decisions.

In addition, the Chamber also urges the Senate to quickly take up the nomination of William Emanuel to fill the other remaining seat on the Board. We hope this can happen before the Senate adjourns for the August recess. The Chamber looks forward to having both nominees confirmed so that the NLRB can return to a more balanced posture, respecting the rights of all parties that come before it.

The Chamber urges you to support cloture and final passage on the Kaplan nomination.

Sincerely,



Neil L. Bradley