



December 10, 2024

Dear Members of the United States Senate:

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).

Unfortunately, the Committee on Health, Education, Labor, and Pensions (HELP) failed to investigate Ms. McFerran's controversial and problematic tenure prior to the upcoming expiration of her term, something the U.S. Chamber called for previously. Some of the things the Senate should have considered 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 its investigation.
- Federal District Courts, 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 this ruling.
- 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 also has infringed upon the free speech rights of both employers and individuals and prevented employers from maintaining workplaces free of harassment.

We again strongly urge you to reject Ms. McFerran's nomination.

Sincerely,

Rodney Davis
Senior Vice President
U.S. Chamber of Commerce