



December 10, 2024

U.S. Senate
Washington, DC 20510

Dear Senators:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, I write today in opposition to the nomination of Lauren McFerran to serve as a member of the National Labor Relations Board.

ABC urges you to vote “No” on McFerran’s nomination and will consider this a KEY VOTE on our scorecard for the 118th Congress. On this nomination, ABC will score Senators who do not cast a vote as voting against ABC’s position.

Since Lauren McFerran became Chair of the NLRB in Jan. 2021, the Board decidedly abandoned its role as a neutral arbiter of federal labor law and became solely focused on expanding and reinterpreting the law to favor unions at the expense of workers and employers alike.

Under McFerran’s leadership, the NLRB issued a [joint-employer standard](#) rejected by federal courts and a Congressional Review Act that passed both chambers with bipartisan support; a [decision in Cemex](#), which facilitates union organizing by card check instead of a secret ballot election; and a decision in [Amazon](#), where it drastically hindered employer rights during union organizing campaigns by banning employer-sponsored meetings in which employers express their views on unionization.

Notably, McFerran’s successful confirmation would strip President-elect Trump of the ability to select his own nominee to serve on the Board, disregarding the tradition of allowing the President-elect to select a nominee, who in turn can set the agenda for the agency. It would also establish a Democratic majority on the Board through August 2026.

With Senate Health, Education, Labor and Pensions Committee Chair Bernie Sanders proceeding with a markup of McFerran’s renomination without a formal confirmation hearing, many senators have outstanding questions for McFerran. It is understandable Senators would have questions for McFerran, as her tenure as chair of the NLRB has been characterized by the Office of the Inspector General as “gross mismanagement,” with a “lack of candor” that “created the risk of great reputational harm that could negatively impact the ability of the Agency to carry out [its] mission.”

ABC supports balanced policies that reflect the NLRB’s original mission to fairly interpret and enforce the National Labor Relations Act. Unfortunately, the NLRB under Lauren McFerran’s leadership continues to reject the NLRB’s original purpose and issue decisions that violate U.S. Supreme Court precedent, ignore congressional intent and expose workers to intimidation and harassment. For these reasons, ABC opposes Lauren McFerran’s nomination to serve on the NLRB.

The Coalition for a Democratic Workplace has also sent a [letter of opposition signed by ABC and more than 50 other organizations](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Swearingen". The signature is fluid and cursive, written over a white background.

Kristen Swearingen
Vice President, Legislative & Political Affairs