



March 19, 2013

The Honorable John Kline
Chairman, Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Kline:

On behalf of the National Council of Chain Restaurants (NCCR), I am writing in support of H.R. 1120, legislation introduced by Rep. Phil Roe (TN). The "Preventing Greater Uncertainty in Labor-Management Relations Act" will resolve ongoing confusion surrounding the President's dubious use, in January 2012, of the recess appointments power to appoint three individuals to the National Labor Relations Board (NLRB).

In a unanimous ruling, the U.S. Court of Appeals for the District of Columbia Circuit invalidated the attempted appointments, calling into question all actions of the NLRB since January 2012 that required a quorum of Board members. This legal limbo has created tremendous uncertainty in labor-management relations as well as questions about the legitimacy of the NLRB to make decisions and take action. Several lawsuits have been instituted to challenge various decisions by the Board in which the three recess-appointees participated on grounds that they were unconstitutional. Obviously, this tenuous situation cannot be sustained.

H.R. 1120 will resolve this unfortunate state of affairs by restricting NLRB actions that require a quorum of sitting Board members until either: 1) the legal questions surrounding the three purported recess-appointed members have been resolved by the U.S. Supreme Court, before which the legal challenge now stands; 2) those members have been replaced by persons duly confirmed by the U.S. Senate; or 3) their terms expire as they are scheduled to do at the end of the First Session of the 113th Congress. It is important to note that this legislation would not prevent the NLRB from protecting the rights of workers to petition for union representation or from processing unfair labor practice charges from any party.

We commend the House Education and the Workforce Committee for taking action on this important legislation and we urge you to support H.R. 1120 when it is considered by the Committee.

Thank you for considering these views.

Sincerely,

Robert J. Green
Executive Director