



March 19, 2013

The Honorable John Paul Kline Jr.  
Chairman  
Committee on Education & The Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Kline:

On behalf of the National Retail Federation (NRF), I am writing to urge your support for H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act. This legislation would help lessen the uncertainty for employers and employees with regard to actions taken by the National Labor Relations Board (NLRB) while recent appointments to the NLRB are under legal review.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs – one in four U.S. jobs. The total U.S. GDP impact of retail is \$2.5 trillion annually, and retail is a daily barometer for the health of the nation's economy.

On January 25, 2013, the U.S. Court of Appeals for the District of Columbia issued a unanimous decision in the *Noel Canning* case finding that the President's recess appointments to the NLRB in January 2012 were unconstitutional. The resulting confusion and doubt over how to react to NLRB actions will be disruptive to all different kinds of workplaces. To make matters more confusing, the NLRB has said that they would move forward with their agenda regardless of the court decision. All of this leaves employers and employees unclear as to how to react to actions taken in the last fourteen months as well as how to react to any new actions taken by the Board.

NRF supports H.R. 1120 because it will create clarity in labor relations and allow some semblance of certainty of how parties are to act. The bill will require the NLRB to cease all activity that requires quorum and will prohibit the Board from enforcing any actions taken after the January 2012 recess appointments. The bill will not stop the NLRB regional offices from processing unfair labor practice charges, and it will protect the right of workers to petition for union elections. The legislation is focused on providing important certainty in labor relations until the U.S. Supreme Court makes a decision on the recess appointments, the Senate confirms a new Board, or when the term of last recess appointees in question ends at the end of the 1st Session of the 113th Congress.

NRF supports a lawful, balanced, and functional National Labor Relations Board. The current legal uncertainty facing the NLRB, however, leaves too many employers and employees in limbo. Everyone affected by the NLRB's decisions needs to know the rules and should not be forced to act if the decision is likely to be rendered invalid by the court.

We urge you to support H.R. 1120 to promote transparency and balance in regard to labor-management relations. NRF looks forward to working with the House to move this legislation forward.

Sincerely,

A handwritten signature in black ink that reads "David French".

David French  
Senior Vice President  
Government Relations

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