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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR AND PENSIONS

WASHINGTON, DC 20510-5300

June 16, 2011

The Honorable Wilma Liebman
Chairman
National Labor Relations Board
1099 14th St. N.W.
Washington, D.C. 20570-0001

Dear Chairman Liebman,

I write to request an explanation of the legal authority allowing the Board's general counsel to serve in an acting capacity beyond the period allowed by the National Labor Relations Act.

As you know, under the NLRA, a presidentially designated acting general counsel can only serve for forty days when Congress is in session unless a nomination is made. Mr. Solomon has served in an acting capacity since approximately June 20, 2010, which appears to encompass more than forty session days, but his nomination was not submitted until January 5, 2011. I would, therefore, like you to clarify under what legal authority he has been serving as acting general counsel (e.g., the Vacancies Reform Act) and a copy of all documents reflecting that authority, including any presidential designation sent to the Board.

I look forward to your response, and would appreciate receiving this information by June 24, 2011. If you have questions and are unable to reach me, please have your staff contact the Republican HELP Committee Staff Director Frank Macchiarola at 224-6770.

Sincerely,


Michael B. Enzi
U.S. Senator

cc: Robert Bauer, White House Counsel
The Honorable Gene L. Dodaro, Comptroller General



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For Immediate Release

June 02, 2011

President Obama Announces New White House Counsel Kathryn Ruemmler

Washington, DC – Today, June 2nd, the White House announced that White House Counsel Bob Bauer will return to private practice and that current Principal Deputy Counsel to the President Kathryn Ruemmler will serve as White House Counsel.

"Bob is a good friend and has served as a trusted advisor for many years," said President Obama. "Bob was a critical member of the White House team. He has exceptional judgment, wisdom, and intellect, and he will continue to be one of my close advisors."

At the end of June, Bauer will return to Perkins Coie where he will resume his practice focused on serving as general counsel to the President's reelection campaign, general counsel to the Democratic National Committee, and personal lawyer to President Obama.

"Kathy is an outstanding lawyer with impeccable judgment," said President Obama. "Together, Bob and Kathy have led the White House Counsel's office, and Kathy will assure that it continues to successfully manage its wide variety of responsibilities."

Kathryn Ruemmler currently serves as the Principal Deputy Counsel to the President and has served as Bob Bauer's deputy since January of 2010. Ruemmler joined the Obama Administration in January of 2009 as the Principal Associate Deputy Attorney General at the United States Department of Justice.

Ruemmler was a litigation partner in the Washington, D.C. office of Latham & Watkins from 2007 to 2009. Prior to Latham, Ruemmler served as a federal prosecutor for six years, where she was a co-lead prosecutor in the successful prosecution of the former CEOs of Enron. Ruemmler received the Attorney General's Award for Exceptional Service for her work on the Enron investigation.

From 2000 to 2001, Ms. Ruemmler served as Associate Counsel to President Bill Clinton. Ruemmler received her J.D. from Georgetown University Law Center where she was Editor-in-Chief of the Georgetown Law Journal, and her B.A. cum laude with distinction in English from the University of Washington. She clerked for the Honorable Timothy K. Lewis on the U.S. Court of Appeals for the Third Circuit.

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