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Congress of the United States
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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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June 27, 2011

Mr. Lafe E. Solomon
Acting General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570-0001

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OFFICE OF LEGAL COUNSEL

Dear Mr. Solomon:

Thank you for appearing before the Committee on Oversight and Government Reform on June 17, 2011, at the hearing entitled, "Unionization Through Regulation: The NLRB's Holding Pattern on Free Enterprise." We appreciate the time and effort you gave as a witness before the Committee.

Pursuant to the Chairman's directions, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you from Representative Dennis Ross, a member of the Committee. In preparing your answers to these questions, please address your response to the Member who has submitted the question and include the text of the Member's question along with your response.

Please provide your response to these questions by July 11, 2011. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, DC 20515. Please also send an electronic version of your response by e-mail to Michael Bebeau, Assistant Clerk, at Michael.Bebeau@mail.house.gov in a single Word formatted document.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Kristina Moore or Kristin Nelson at (202) 225-5074.

Sincerely,


Darrell Issa
Chairman

Attachment

Questions for Mr. Lafe E. Solomon
Acting General Counsel
National Labor Relations Board

Representative Dennis Ross
Committee on Oversight and Government Reform

**Hearing on “Unionization Through Regulation:
The NLRB’s Holding Pattern on Free Enterprise.”**

- 1) 29 CFR 102.29 allows any person who wishes to intervene in a proceeding before the NLRB to file a motion to intervene. Section 10388.1 of the NLRB Casehandling Manual, Part One, Unfair Labor Practice Proceedings, states that the "Counsel for the General Counsel should not oppose intervention by parties or interested persons with direct interest in the outcome of the proceeding." As you know, the parties that moved to intervene in the case claim that if the remedy requested in the Compliant is granted they will be “discharge[d] from employment;” therefore, they have a “direct” interest in the outcome of the case. Please provide an explanation of why you believe that the risk of job loss does not amount to a "direct interest in the outcome” of the NLRB’s proceeding against Boeing. Since you do not oppose these same parties filing post-hearing briefs, why should they be forced to wait until the hearing has concluded to express their concerns?