COMMITTEE ON
EDUCATION AND WORKFORCE

U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

July 2, 2026

The Honorable Crystal S. Carey
General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20003

Dear General Counsel Carey:

Thank you again for testifying before the Subcommittee on Health, Employment, Labor, and Pensions at the hearing titled "Examining the Policies and Priorities of the NLRB." Enclosed are additional questions submitted by Subcommittee members following the hearing. Please provide written responses no later than July 23, 2026, for inclusion in the hearing record. Responses should be sent to Katerina Kerska of the Committee staff who can be contacted at (202) 226-9435 or Katerina.Kerska@mail.house.gov.

We appreciate your contribution to the work of the Subcommittee.

Sincerely,

Rick W. Allen
Chairman
Subcommittee on Health, Employment, Labor, and Pensions

Questions for the Record
Committee on Education and Workforce
Subcommittee on Health, Employment, Labor, and Pensions hearing titled: "Examining the Policies and Priorities of the NLRB"
Thursday, June 4, 2026
10:15 A.M.

Questions for General Counsel Crystal S. Carey

Chairman Tim Walberg (R-MI)

1. In an April 16, 2026, letter to National Labor Relations Board (Board) Chairman Murphy, I raised concerns about the effects of the Board's decision in *Cemex Construction Materials Pacific, LLC* after reports surfaced of alleged fraud in a card-check election for one of Amazon's contractors Battle Tested Strategies. While the Board has not overruled *Cemex*, can you explain what your office is doing to prevent union election fraud, especially in card-check elections?

2. When you took office in January 2026, the non-postal employer docket carried roughly 16,000 open Unfair Labor Practice (ULP) charges—more than half of them over a year old. Before the Abruzzo era, the agency maintained a stable inventory of roughly 5,800 to 6,000 open charges. Can you walk through what you found when you arrived, and what your honest assessment is of how long it will take to return the agency to pre-2021 inventory levels at the current rate of closure? Can you also provide context as to what kind of cases are contributing to the backlog?

3. An independent analysis of National Labor Relations Board (NLRB or Board) charge data found that the share of new charges resolved within 90 days fell from roughly 55 percent to about 25 percent beginning in the exact quarter that GC 21-04 was issued in August 2021, and that the collapse affected fast dismissals and fast withdrawals, not just settlements. The data strongly suggests the primary driver was the procedural bottleneck of mandatory submissions to Washington, not the settlement-remedy policy alone. In your assessment, how central was GC 21-04 to the backlog's growth, and is the front-end resolution rate recovering now that you have rescinded it?

4. GC Memo 21-07 directed regional offices to demand the maximum possible remedy as a condition of settlement—no settlement discount, open-ended consequential damages reflecting the *Thryv* decision, default-judgment clauses for any breach, and restrictions on standard non-admission language. It also disempowered regional directors from exercising the kind of local flexibility they had historically used to resolve cases efficiently, including with trusted advocates and employers without serious recidivism records. The effect was to make settlements slower to negotiate and less attractive to respondents. You have rescinded that guidance. Please describe what a fair settlement looks like under your policy and how regional directors' discretion has been restored.

5. The 2025 closure surge—the highest total since 2019—sounds like progress, but independent data shows that 69 percent of charges closed in 2025 were filed during the Abruzzo era. Regional offices are largely resolving 2022–2023 disputes, not current complaints. The median settled case under the current leadership is 657 days old at the time of settlement, compared to 279 days before 2021. What does this mean for workers and employers who filed a charge in 2022 or 2023 and are only now getting a resolution? What are you doing to ensure that people filing charges today do not face the same multi-year wait?

6. Practitioners reported that the prior Office of the General Counsel (GC) refused to approve settlements in cases where not only the employer but also the charging union had agreed to settle, effectively substituting the agency's ideological preferences for the actual resolution the affected parties had negotiated and consented to. Can you confirm whether that was the prior office's practice? Do you believe the GC has the authority to—and should—block a settlement that both parties have agreed to. Has your office's approach changed?

7. The prior GC moved away from the use of consent orders, which had been a long-established mechanism for resolving cases efficiently with court-enforceable terms that both parties accepted. Eliminating that tool removed a meaningful incentive for employers to resolve cases early and added to the litigation burden on regions and administrative law judges (ALJs). Have you restored the use of consent orders as a settlement tool? If not, why not, and what replaces the function they served?

8. You announced that approximately 3,500 pending ULP cases were transferred from overloaded regions to those with more bandwidth, and new intake procedures were implemented to provide relief to regional staff. How many of those transferred cases have been resolved? Are there regions that remain chronically overloaded? What is your long-term plan to balance the docket geographically?

9. Practitioners have reported a practice in which regional offices require employers to submit formal affidavits to authenticate documents that were pulled directly from a union's own public website or that are otherwise clearly authentic on their face, rather than simply asking the union whether it disputes authenticity before burdening the parties with formal authentication procedures. This adds cost and delay to hearings without any apparent evidentiary benefit. Is this a practice your office has authorized or encouraged? If not, are you aware of it occurring, and what are you doing to address it?

10. We have also heard that regions have been issuing overbroad subpoenas on the eve of hearings—sometimes days before the scheduled start—rather than serving them with sufficient lead time for the receiving party to respond or seek modification. The practical effect has been to delay the start of hearings and, in some cases, force postponements, increasing costs for all parties and adding to the docket burden of ALJs. Is your office aware of this pattern? What guidance, if any, have you issued to regions about subpoena timing and scope?

11. The Abruzzo era can be described as an attempt to overturn hundreds of years of longstanding legal precedents, including many that were established or reaffirmed on a bipartisan basis, across dozens of doctrinal areas simultaneously. The practical consequence was that regional offices, ALJs, and the Board itself were consumed with grappling with novel, aggressive legal theories rather than resolving the ordinary disputes that workers and employers had brought to the agency. In your assessment, how much of the agency's current caseload crisis is attributable to that deliberate diversion of resources away from retail case resolution and toward ideological agenda-setting?

12. There are a number of charges and complaints currently pending in regional offices that are predicated in whole or in part on Biden-era Board decisions that the current leadership has publicly signaled it disagrees with and that are widely expected to be reversed once the Board reaches full strength. Your office has already taken steps consistent with this view, such as moving to withdraw exceptions in *UPS Supply Chain Solutions*. How many such cases are currently pending across the agency's docket? What is the status of investigations and hearings in those matters?

13. This Committee has an oversight responsibility to track the agency's progress. What specific, measurable benchmarks are you committing to—for inventory levels, front-end resolution speed, and median case age—and by what dates? Will you provide the Committee with regular reporting against those benchmarks so that members can assess whether the agency is genuinely recovering or whether the backlog is simply being managed rather than resolved?

14. The NLRB's Inspector General (IG) issued reports in 2023 and 2024 finding gross mismanagement and a lack of candor in the agency's mail ballot election procedures—problems the IG warned could negatively impact the agency's ability to carry out its mission. Rather than acknowledging those findings, prior leadership attempted to discredit the IG's conclusions and claimed the Board was not bound by its own procedures. Do you accept the IG's findings? What specific corrective actions have you taken in response?

15. In 2023, a whistleblower from within the NLRB provided evidence that agency personnel colluded with labor organizers to influence union representation elections and ULP cases against a specific employer. Are you aware of any ongoing or completed investigation into those allegations? What steps are you taking to ensure regional staff are acting as neutral administrators of the law rather than as advocates for one side?

Representative Robert C. "Bobby" Scott (D-VA)

1. Last year, Acting General Counsel Bill Cowen filed a joint request with Elon Musk's SpaceX before the U.S. Court of Appeals for the Fifth Circuit to halt a NLRB case alleging the company had illegally fired workers for criticizing Mr. Musk and allow the National Mediation Board to review whether SpaceX fell within its jurisdiction. In February of this year, just one month after you were sworn in, the NLRB dismissed the

case against SpaceX, claiming it did not have jurisdiction after years of prosecuting the case.

   a. Ms. Carey, are you aware that your former law firm, Morgan Lewis, represents SpaceX?
   b. Describe the role you played in dismissing the SpaceX case? Did you request, direct, or provide approval for the Regional Director to dismiss it?
      i. If yes, did you consult with an ethics official regarding your involvement in this case? Why or why not?
   c. Did the White House and/or a political appointee from a different agency contact you, Acting Deputy General Counsel Michalski, Acting Associate to the General Counsel Wagner, and/or Acting Associate General Counsel Cowen regarding SpaceX and/or this specific case?

2. Ms. Carey, provide the following information:
   a. The total number of unfair labor practice cases processed (dismissed, withdrawn, or found to have merit) in each calendar year: 2021, 2022, 2023, 2024, and 2025, and
   b. The total number of representation cases processed (certified by the Regional Director or withdrawn) in each calendar year: 2021, 2022, 2023, 2024, and 2025.