

# AFL-CIO

## LEGISLATIVE ALERT

June 25, 2026

Dear Chairman Cassidy, Ranking Member Sanders and Members of the HELP Committee:

On behalf of the 15 million workers and 65 affiliate unions of the AFL-CIO, I urge you to support the confirmation of David M. Prouty to a second term on the National Labor Relations Board (NLRB) and to oppose the confirmation of James Macy.

Member Prouty has served with distinction as the Board's sole Democratic Member. With his term expiring August 27, 2026, his reconfirmation is time-sensitive and critical to maintaining a quorum, after the President initially destroyed that quorum with the unlawful firing of Member Gwynne Wilcox. We urge the Committee to advance his nomination without delay.

Importantly, Member Prouty has a record of independence both before and after President Trump removed Member Gwynne Wilcox for not deciding more cases in employers' favor. Unfortunately, while Mr. Macy has asserted in written testimony that he will decide cases in an impartial manner, he refused to answer the hearing question posed by Ranking Member Sanders regarding whether the President had the authority to fire Member Wilcox, citing pending litigation. With workers' fundamental rights to organize and collectively bargain on the line, it is critical that NLRB members affirm their commitment to the principle that the President cannot remove them for following their conscience when deciding cases. The threat of at-will removal by the President is amplified by the President's assertion, through his "Ensuring Accountability for All Agencies" Executive Order (February 18, 2025), that his opinions on the proper interpretation of law – not those of confirmed members of an adjudicatory board like the NLRB – shall be controlling. Does the President have the authority to remove a Board Member because he does not like their decisions? Does he have the authority to interpret the law for a Board member? We should know Mr. Macy's answers to these questions – and his commitment to the independence of the agency – before the Senate confirms him. Unfortunately, we do not.

We urge you to defend the Board's independence and workers' access to a fair day in court by maintaining its quorum with the advancement of Member Prouty's nomination and declining to report Mr. Macy's nomination to the Senate floor.

Sincerely,



Jody Calemine  
Director, Government Affairs