

**Congress of the United States**  
**Washington, DC 20515**

January 4, 2010

The Honorable Elizabeth Dougherty, Chairman  
The Honorable Harry Hoglander, Member  
The Honorable Linda Puchala, Member  
National Mediation Board  
1301 K Street, NW, Suite 250E  
Washington, DC 20005

**Re: Docket Number C-6964**

Dear Chairman Dougherty and Members of the Board:

We are writing in strong opposition to the Board's proposed rule to modify a 75 year policy and legal precedent contained in the Railway Labor Act (RLA) in order to allow union representation in circumstances where a majority of the workers do not wish to join a union.

The current longstanding voting rules are well grounded in the unique language of the RLA. The law does not refer to a majority of "voters". It says that a majority of the workers in a class or craft must vote for a union for it to be certified. The decision on the right to join a union belongs to a majority of workers, not to the company, not to the government and certainly not to the union. Under the Board's proposal a small minority of a work group could impose union representation on the majority. The U.S. Supreme Court has upheld the current majority rule voting procedure used by the NMB.

Unlike the provisions of the National Labor Relations Act, once it is certified, a union might never have to stand for reelection because the NMB voting rules do not have a voting process that allows employees to petition for decertification. We understand that the Board has failed to consider various requests to include this change in new voting rules. Clearly, in its present form the Board proposal violates the rights of workers who choose not to purchase the services of a labor union.

We have concluded that this proposed voting rule change is quite similar to the approach contained in the Employee Free Choice Act. It is a politically motivated decision that tilts airline and rail representation elections in the favor of organized labor. This decision is too important to be decided by two appointed and unelected Democrats who have chosen to ignore legal and policy precedents that have governed representation rules for airline and rail employees for more than 75 years.

We firmly believe that the Board does not have the legal authority to change the majority rule representation requirement and that any changes should be made by Congress. We urge you to withdraw the proposed rule.

Respectfully,

Nathan Deal

David Per

Gregg Harper

John Kline

Jack Kingston

Ray Miller

John Campbell

Doug Lamborn

Roskamm

Vern Buchanan

Roy Blunt

Paul C Brown

John Boehner

Lynn W

Bob Goodlatte

Pete Sessions

John Linder

Thom Tillis

Jean Schmidt

JOE Wilson

Lee Luyick

Bob Bell

Tom Heller

Phil Tingey

Wally Henger

Kevin McCarth

Mal Rogers

Bob Inglis

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Don Nunes

Eric Cant

Joe Chaffetz