

United States Senate

WASHINGTON, DC 20510
(202) 224-3121
<http://www.senate.gov>

July 14, 2022

Delivered via Email

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC

Dear Mr. President:

Our Nation cannot afford another failure when it comes to keeping inflation in check and maintaining our supply chains. On June 17, the National Mediation Board released the railroad unions and carriers from mediation,¹ with unprecedented alacrity.² We are concerned this is the first step on the way to a union strike as labor seeks to leverage the fragile state of our economy. No one wants to enter another Christmas season with Vice President Harris warning Americans in the fall that, “if you want to have Christmas toys for your children it might be the time to start buying them because the delay may be many, many months.”³

Because the unions have also rejected binding arbitration, this situation is reaching the stage where the parties could resort to “self help” as soon as July 18. Fortunately, you can avoid this calamity by appointing a Presidential Emergency Board (PEB) under the Railway Labor Act. You alone have the power to establish an impartial, qualified PEB that can facilitate a fair resolution between the railroads and unions. It is vital that you do so.

According to the Bureau of Labor Statistics, the consumer price index in June was 9.1 percent, its highest level since 1981. Americans are paying more for gasoline, groceries, housing, and new cars. Even essential goods, from formula to hygiene products, are often unavailable. A railroad strike would only serve to increase the pain to Americans’ wallets and welfare.

As the self-stated “most pro-union president leading the most pro-union administration in American history,”⁴ it’s clear the unions are taking their cues from you. It is time for you to step in, as with the longshore labor negotiations on the West Coast, and establish the expectation that

¹ “Press Release: NCCC and Twelve Unions Enter Cooling Off Period,” National Mediation Board, June 17, 2022, available at https://nmb.gov/NMB_Application/index.php/press-releases/06-17-2022-press-release-nccc-and-twelve-unions-enter-cooling-off-period/.

² F. Wilner, “NMB Starts Clock Toward Rail Shutdown,” *Railway Age*, June 14, 2022, available at <https://www.railwayage.com/regulatory/nmb-starts-clock-toward-rail-shutdown/>.

³ I. Schwartz, “VP Kamala Harris: If You Want to Have Christmas Gifts for Your Children Now Is the Time to Start Buying,” *Real Clear Politics*, August 24, 2021, available at https://www.realclearpolitics.com/video/2021/08/24/vp_kamala_harris_if_you_want_to_have_christmas_gifts_for_your_children_now_is_the_time_to_start_buying.html.

⁴ “Biden’s Vow to Be ‘Most Pro-Union President’ Tested in First Year,” *NBC News*, January 20, 2022, available at <https://www.nbcnews.com/business/economy/bidens-vow-union-president-tested-first-year-rcna12791>.

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Page 2

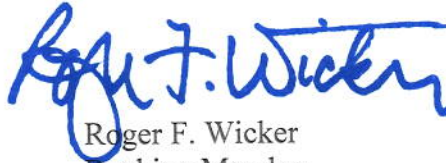
the parties to the rail labor negotiations will bargain fairly and refrain from threatening our strained supply chain for personal gain. Additionally, we strongly encourage you to ensure that the PEB is composed of neutral, certified arbitrators with railroad experience who can identify fair compromises on outstanding issues quickly. If the PEB is weighted unfairly toward one side, it will needlessly undermine this last opportunity to mediate under the Railway Labor Act.

We appreciate your attention to this critical matter and hope that you will act in the best interests of all Americans.

Sincerely,



Richard Burr
Ranking Member
U.S. Senate Committee on Health,
Education, Labor and Pensions



Roger F. Wicker
Ranking Member
U.S. Senate Committee on Commerce,
Science, and Transportation

CC: The Honorable Marty Walsh, Secretary of Labor
The Honorable Gina Raimondo, Secretary of Commerce
The Honorable Pete Buttigieg, Secretary of Transportation