

Calendar No. 242

112TH CONGRESS
1ST SESSION

S. J. RES. 32

To provide for the resolution of the outstanding issues in the current railway labor-management dispute.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2011

Mr. ENZI introduced the following joint resolution; which was read the first time

DECEMBER 1, 2011

Read the second time and placed on the calendar

JOINT RESOLUTION

To provide for the resolution of the outstanding issues in the current railway labor-management dispute.

Whereas the labor dispute between the carriers represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees represented by certain labor organizations threatens essential transportation services of the United States;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the President, pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 13586 of October 6, 2011, created Presidential Emergency Board No. 243 to investigate the dispute and report findings;

Whereas the recommendations of Presidential Emergency Board No. 243 issued on November 5, 2011, have formed the basis for tentative agreements between some, but not all, of the parties to the disputes;

Whereas the recommendations of Presidential Emergency Board No. 243 issued on November 5, 2011, have not resulted in a settlement of all the disputes;

Whereas all of the procedures for resolving such dispute provided for in the Railway Labor Act will be exhausted as of 12:01 ante meridiem of December 6, 2011, at which time essential transportation services will be subject to interruption;

Whereas it is desirable to resolve such disputes in a manner which encourages solutions reached through collective bargaining;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential transportation services;

Whereas Congress finds that emergency measures are essential to the security and continuity of transportation services by such carriers; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That consistent with the purposes of the Railway Labor
4 Act to avoid any labor dispute that threatens substantially
5 to interrupt interstate commerce to a degree such as to
6 deprive any section of the country of essential transpor-
7 tation service—

8 (1) the parties to the disputes that are the sub-
9 ject of Executive Order No. 13586 of October 6,
10 2011, between the carriers represented by the Na-
11 tional Carriers' Conference Committee of the Na-
12 tional Railway Labor Conference and certain of their
13 employees represented by the labor organizations
14 which are party to such disputes shall take all nec-
15 essary steps to restore or preserve the conditions out
16 of which such disputes arose as such conditions ex-
17 isted prior to 12:01 ante meridiem of December 6,
18 2011, except as otherwise provided in this joint reso-
19 lution, which status shall remain in effect through
20 December 31, 2014, and which status shall be sub-
21 ject to the provisions of paragraph (2) of this sec-
22 tion; and

23 (2) the report and recommendations of the
24 Presidential Emergency Board No. 243, dated No-
25 vember 5, 2011, shall be binding on the parties and

1 shall have the same effect as though arrived at by
2 agreement of the parties under the Railway Labor
3 Act (45 U.S.C. 151 et seq.), and shall be effective
4 for the period from January 1, 2010, through De-
5 cember 31, 2014, except as provided in the report
6 and recommendations of Presidential Emergency
7 Board No. 243 regarding the optional election by a
8 labor organization that is a party to this dispute of
9 the January 1, 2015, wage increase.

10 SEC. 2. Nothing in this joint resolution shall prevent
11 any mutual written agreement by the parties to implement
12 the terms and conditions established by this joint resolu-
13 tion, or prevent a mutual written agreement to any terms
14 and conditions different from those established by this
15 joint resolution.

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