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

...
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 

That consistent with the purposes of the Railway Labor Act to avoid any labor dispute that threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service—

(1) the parties to the disputes that are the subject of Executive Order No. 13586 of October 6, 2011, between the carriers represented by the National Carriers’ Conference Committee of the National Railway Labor Conference and certain of their employees represented by the labor organizations which are party to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes arose as such conditions existed prior to 12:01 ante meridiem of December 6, 2011, except as otherwise provided in this joint resolution, which status shall remain in effect through December 31, 2014, and which status shall be subject to the provisions of paragraph (2) of this section; and

(2) the report and recommendations of the Presidential Emergency Board No. 243, dated November 5, 2011, shall be binding on the parties and
shall have the same effect as though arrived at by
agreement of the parties under the Railway Labor
Act (45 U.S.C. 151 et seq.), and shall be effective
for the period from January 1, 2010, through De-
cember 31, 2014, except as provided in the report
and recommendations of Presidential Emergency
Board No. 243 regarding the optional election by a
labor organization that is a party to this dispute of
the January 1, 2015, wage increase.

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

S. J. RES. 32

112TH CONGRESS
1ST SESSION

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

December 1, 2011

Read the second time and placed on the calendar.