

Public Law 92-235

February 21, 1972
[S. J. Res. 197]

JOINT RESOLUTION

To provide a procedure for settlement of the dispute on the Pacific coast between certain shippers and associated employers and certain employees.

Whereas there is a dispute between employers (or associations by which such employers are represented in collective bargaining conferences) who are (1) steamship companies operating ships or employed as agents for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States, (2) contracting stevedores, (3) contracting marine carpenters, (4) lighterage operators, or (5) other employers engaged in related or associated pier activities for ships engaged in service from or to Pacific coast or Hawaiian ports of the United States (hereafter called employers), and certain of the employees of such employers represented by the International Longshoremen's and Warehousemen's Union; and

Whereas the order enjoining a strike in this dispute granted by the United States District Court, Northern District of California, in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935 WTS, October 6, 1971, expired on December 25, 1971, pursuant to the Labor-Management Relations Act of 1947, as amended (29 U.S.C. 176-178); and

Whereas all procedures for resolving such dispute provided for in the Labor-Management Relations Act, 1947, have been exhausted and have not resulted in settlement of the dispute; and

Whereas a settlement has not been reached despite intensive mediation efforts and transportation services essential to the national interest are not being maintained; and

Whereas it is vital to the national interest that essential transportation services be maintained; and

Whereas the Congress finds that emergency measures are essential to continuity of essential transportation services affected by this dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) an arbitration board shall be established herein to hear and settle all issues in this dispute, and to issue a determination which shall be deemed a final and binding resolution, understanding, and agreement between the parties and shall also be deemed to supersede to the extent inconsistent therewith all other agreements or understandings between the parties: *Provided*, That proceedings under this joint resolution shall be terminated immediately upon certification, in writing, by the parties to the Secretary of Labor that they have reached complete agreement on the disposition of all the issues. The determination of the arbitration board shall be effective for the period stated therein, which may not be less than eighteen months. During such period, there shall be no resort to strike or lockout as between the parties.

(b) From the date of enactment of this joint resolution until the arbitration board makes its determination, there shall be no resort to strike or lockout as between the parties, and no change, except by agreement of the parties, in the terms and conditions of employment as prescribed in the court order in United States against International Longshoremen's and Warehousemen's Union et al., docket numbered C-17-1935-WTS, October 6, 1971.

(c) For the purpose of this joint resolution the term "parties" means (1) the International Longshoremen's and Warehousemen's Union and (2) the Pacific Maritime Association, and all employers who are members of that association.

Pacific coast
dock strike.
Settlement pro-
cedure.

Strike prohibi-
tion.

"Parties."

SEC. 2. (a) There is established an arbitration board (hereinafter referred to as the "board") which shall be constituted in the following manner:

Arbitration
board, establish-
ment.

(1) Within three days after the enactment of this joint resolution, both parties to the dispute, by agreement, may designate one individual to perform the functions and exercise the powers of the board.

(2) In the event that the parties do not agree upon an individual under paragraph (1) of this section, each party shall within three days immediately following the expiration of the three-day period under paragraph (1), designate an individual to serve on the board. The two members of the board so designated shall select, within three days after their appointment, a third individual to be a member and act as chairman of the board. In the event that the two members of the board designated by the parties cannot agree on the selection of the third member as chairman under this paragraph, within three days after their appointment, the third member who shall be the chairman shall be selected by the chief judge of the United States district court for the Northern District of California.

(3) In the event that either party does not designate a member under paragraph (2) of this subsection, then the chief judge of the United States district court for the Northern District of California shall designate one individual to exercise the powers of the board.

(b) The board shall make all necessary rules for conducting its hearings and giving to the parties and all other persons it determines may be directly affected by the board's determination notice and a full and fair hearing, which shall include an opportunity to present their case in person, by counsel, or by other representative as they may select.

(c) For the purpose of hearings conducted by the board, it shall have authority conferred by the provisions of sections 9 and 10 (relating to the attendance and examination of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act (15 U.S.C. 49, 50).

38 Stat. 722.

(d) The board shall begin its hearings no more than fifteen days after enactment. The board shall make its determination no later than forty days after enactment.

(e) In its determination the board shall resolve all the issues in the dispute.

(f) The board's determination shall be retroactive to the date of enactment of this resolution. The board may make such further provisions for retroactivity to a date prior to the enactment of this resolution, if any, as it finds appropriate and consistent with the terms of this resolution.

(g) The board shall make its determination consistent with the policy of the Economic Stabilization Act of 1971, and such determination shall be final and binding in every respect, subject only to review as provided in section 2(i).

85 Stat. 743.
12 USC 1904
note.

(h) In the event of disagreement as to the meaning of any part or all of a determination by the board, or as to the terms of all the detailed agreements or arrangements necessary to give effect thereto, any party may within the effective period of the determination apply to the board for clarification of its determination, whereupon the board shall reconvene and shall promptly issue a further determination, with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the board, be made with or without a further hearing, and shall be final and binding in every respect, subject only to review as provided in section 2(i).

Review.

(i) Any party, as defined in section 1, aggrieved by a determination of the board may, within fifteen days after its issuance, obtain review of the determination in the United States Court of Appeals for the Ninth Circuit. The decision of the court of appeals may be reviewed in the Supreme Court by writ of certiorari or upon certification as provided for in section 1254 (1) and (3), title 28, United States Code. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the determination of the board. A determination of the board shall be conclusive unless found to be arbitrary or capricious.

62 Stat. 928.

Compensation;
travel expenses.

(j) Members of the board shall receive compensation at a rate of \$250 per day when engaged in the work of the board as prescribed by this section, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

80 Stat. 499;
83 Stat. 190.

80 Stat. 416.

(k) For the purposes of carrying out its functions under this Act, the board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their home or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed. The board is also authorized to employ such support services as are necessary for its operation.

SEC. 3. (a) The Attorney General of the United States shall be authorized to maintain any civil action necessary to obtain compliance with any provision of this resolution.

Penalty.

(b) Any strike, lockout, or other concerted activity in violation of this resolution shall be subject to a penalty not to exceed \$100,000. Each calendar day in which such a violation occurs shall be considered a separate violation.

Appropriation.

SEC. 4. There is authorized to be appropriated such sums as may be necessary for the implementation of this resolution.

Approved February 21, 1972.

Public Law 92-236

AN ACT

To amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

March 1, 1972
[S. 1857]

American Revolution Bicentennial Commission.

Membership increase.

81 Stat. 567;
84 Stat. 1389.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."