

Calendar No. 241112TH CONGRESS
1ST SESSION**S. J. RES. 31**

Applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2011

Mr. REID 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

Applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; 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 **SECTION 1. REQUIRED CONDITIONS.**

4 The following conditions shall apply to the dispute re-
5 ferred to in Executive Order 13586 of October 6, 2011,

1 between the enumerated freight rail carriers, common car-
2 riers by rail in interstate commerce, and certain of their
3 employees represented by labor organizations that have
4 not agreed to extend the cooling-off period under section
5 10 of the Railway Labor Act (45 U.S.C. 160) beyond
6 12:01 a.m. on December 6, 2011:

7 (1) The parties to such dispute shall take all
8 necessary steps to restore or preserve the conditions
9 out of which such dispute arose as such conditions
10 existed before 12:01 a.m. on December 6, 2011, ex-
11 cept as provided in paragraphs (2) and (3).

12 (2) The report and recommendations of the
13 Emergency Board 243 shall be binding on the par-
14 ties upon the enactment of this joint resolution and
15 shall have the same effect as though arrived at by
16 agreement of the parties under the Railway Labor
17 Act (45 U.S.C. 151 et seq.), except that nothing in
18 this joint resolution shall prevent a mutual written
19 agreement to any terms and conditions different
20 from those established by this joint resolution.

21 (3)(A) If there are unresolved implementing
22 issues remaining with respect to the report and rec-
23 ommendations or agreement under paragraph (2)
24 after 10 days after the date of enactment of this
25 joint resolution, the parties to the dispute shall enter

1 into binding arbitration to provide for a resolution of
2 such issues.

3 (B) The National Mediation Board established
4 by section 4 of the Railway Labor Act (45 U.S.C.
5 154) shall appoint an arbitrator to resolve the issues
6 described in subparagraph (A). Except as provided
7 in this joint resolution, such arbitration shall be con-
8 ducted as if it were under section 7 of such Act, and
9 any award of such arbitration shall be enforceable as
10 if under section 9 of such Act.

11 (4) Within thirty days after the date of enact-
12 ment of this joint resolution, the binding arbitration
13 entered into pursuant to paragraph (3) shall be com-
14 pleted.

Calendar No. 241

112TH CONGRESS
1ST Session
S. J. RES. 31

JOINT RESOLUTION

Applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

DECEMBER 1, 2011

Read the second time and placed on the calendar