

103^D CONGRESS
2^D SESSION

H. J. RES. 379

To provide for a settlement of the railroad labor-management disputes between the Long Island Rail Road Company and certain of its employees represented by the United Transportation Union.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1994

Mr. ACKERMAN (for himself, Mr. KING, Mr. LAZIO, Mr. LEVY, Mr. HOCHBRUECKNER, MR. RANGEL, Ms. MOLINARI, Mr. TOWNS, Mr. PAXON, Mr. SERRANO, Mr. FISH, Ms. VELÁZQUEZ, Mr. HOUGHTON, Mrs. LOWEY, and Mr. SCHUMER) introduced the following joint resolution; which was referred to the Committee on Energy and Commerce

JOINT RESOLUTION

To provide for a settlement of the railroad labor-management disputes between the Long Island Rail Road Company and certain of its employees represented by the United Transportation Union.

Whereas the labor disputes between the Long Island Rail Road Company and certain of its employees represented by the United Transportation Union threaten essential transportation services;

Whereas the President, pursuant to the provisions of section 9A of the Railway Labor Act (45 U.S.C. 159a), by Executive Order No. 12874 of October 20, 1993,

created Presidential Emergency Board No. 223 to investigate the disputes and report findings;

Whereas the President, pursuant to the provisions of section 9A of the Railway Labor Act (45 U.S.C. 159a), by Executive Order No. 12899 of February 15, 1994, created Presidential Emergency Board No. 224 to investigate the disputes and report findings;

Whereas all the procedures provided under the Railway Labor Act have been exhausted and have not resulted in settlement of all the disputes;

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

Whereas the Congress finds that emergency measures are essential to continuity of transportation services by such railroad; 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. CONDITIONS DURING RESOLUTION OF DIS-**
4 **PUTES.**

5 The following conditions shall apply to the disputes
6 referred to in Executive Order No. 12899 of February 15,
7 1994, between the Long Island Rail Road Company and
8 the employees of such railroad represented by the labor
9 organization which is party to such disputes:

1 (1) The parties to such disputes shall take all
2 necessary steps to restore or preserve the conditions
3 out of which such disputes arose as such conditions
4 existed before 12:01 a.m. on June 16, 1994, except
5 as otherwise provided in this joint resolution.

6 (2) Section 9A(h) of the Railway Labor Act (45
7 U.S.C. 159a(h)) shall apply and be extended for an
8 additional period with respect to the disputes re-
9 ferred to in Executive Order No. 12899 of February
10 15, 1994, so that no change shall be made before
11 the expiration of 28 days after the date of enact-
12 ment of this resolution by such parties, in the condi-
13 tions out of which such dispute arose as such condi-
14 tions existed before 12:01 a.m. on June 16, 1994.

15 **SEC. 2. APPOINTMENT OF SPECIAL BOARD.**

16 A Special Board shall be appointed as follows:

17 (1) The management party to the disputes shall
18 recommend 1 member of the Special Board within
19 48 hours after the date of enactment of this resolu-
20 tion.

21 (2) The labor organization which is party to the
22 disputes shall recommend 1 member of the Special
23 Board within 48 hours after the date of enactment
24 of this resolution.

1 (3) The members recommended under para-
2 graphs (1) and (2) shall jointly recommend a third
3 member of the Special Board within 48 hours after
4 such members have been recommended under para-
5 graphs (1) and (2).

6 The President shall, within 48 hours after recommenda-
7 tions are made under paragraphs (1) through (3), appoint
8 a 3-member Special Board, taking into account the rec-
9 ommendations made under paragraphs (1) through (3).
10 The compensation of the members of the Special Board
11 shall be fixed by the National Mediation Board. The sec-
12 ond paragraph of section 10 of the Railway Labor Act
13 shall apply to the expenses of the Special Board appointed
14 under this subsection as if such Special Board were a
15 board created under such section 10.

16 **SEC. 3. RESOLUTION OF ISSUES IN DISAGREEMENT.**

17 The Special Board shall act as mediators for a period
18 of 28 days after the date of enactment of this joint resolu-
19 tion to resolve all issues outstanding between the parties
20 as of 12:01 a.m. on June 16, 1994. If at the end of such
21 28-day period the parties have not reached agreement on
22 all issues, the Special Board shall issue its determination
23 on the remaining issues in dispute. Such determination
24 shall be binding on the parties and shall have the same
25 effect as though arrived at by agreement of the parties

1 under the Railway Labor Act (45 U.S.C. 151 et seq.).

2 There shall be no judicial review of any report or deter-

3 mination of the Special Board under this section.

4 **SEC. 4. MUTUAL AGREEMENTS PRESERVED.**

5 Nothing in this joint resolution shall prevent a mu-

6 tual written agreement to any terms and conditions dif-

7 ferent from those established by this joint resolution.

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