

Public Law 117–216
117th Congress

Joint Resolution

To provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

Dec. 2, 2022
[H.J. Res. 100]

Whereas the unresolved labor disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations threaten essential transportation services of the United States;

Whereas it is in 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. 14077 of July 15, 2022, created Presidential Emergency Board No. 250 to investigate the disputes and report findings;

Whereas the recommendations of Presidential Emergency Board No. 250 issued on August 16, 2022, formed the basis for tentative agreements between all of the parties to the disputes;

Whereas some, but not all, of the tentative agreements have been ratified by the union memberships in final resolution of certain of the disputes between the parties;

Whereas unresolved disputes remain between the parties whose tentative agreements were not ratified by the union memberships;

Whereas the recommendations of Presidential Emergency Board No. 250 issued on August 16, 2022, have not resulted in a final resolution of all the disputes;

Whereas all the procedures provided under the Railway Labor Act (45 U.S.C. 151 et seq.), and further procedures agreed to by the parties, have been exhausted and have not resulted in a final resolution of all the disputes;

Whereas it is desirable that all such disputes be resolved 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 national security and continuity of transportation services by such railroads; 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,

SECTION 1. CONDITIONS FOR RESOLVING DISPUTES.

(a) **IN GENERAL.**—Consistent with the purposes of the Railway Labor Act (45 U.S.C. 151 et seq.) 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, the most recent tentative agreements, side letters, and local carrier agreements entered into by the covered parties that have not been ratified before the date of enactment of this joint resolution (including tentative agreements, side letters, and local carrier agreements that have failed ratification) shall be binding on such covered parties to such unresolved disputes, and shall have the same effect as though arrived at by agreement of such covered parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

Definition.

(b) **COVERED PARTIES.**—In this section, the term “covered parties” means the parties to the unresolved disputes subject to Presidential Emergency Board No. 250, established pursuant to Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers’ Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations) and the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160).

SEC. 2. MUTUAL AGREEMENT.

Nothing in this joint resolution shall prevent any mutual written agreement by the parties to implement the terms and conditions established by this joint resolution, or prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

Approved December 2, 2022.

LEGISLATIVE HISTORY—H.J. Res. 100:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Nov. 30, considered and passed House.

Dec. 1, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2022):

Dec. 2, Presidential remarks.

