JOINT RESOLUTION

To provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Whereas the labor dispute between the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and certain of their employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, Brotherhood of Railroad Trainmen, and the Switchmen's Union of North America, labor organizations, threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas, on August 2, 1963, the Secretary of Labor submitted to the carrier and organization representatives certain suggestions as a basis of negotiation for disposition of the fireman (helper) and crew consist issues in the dispute and thereupon through such negotiations tentative agreement was reached with respect to portions of such suggestions; and

Whereas, on August 16, 1963, the carrier parties to the dispute accepted and the organization parties to the dispute accepted with certain reservations the Secretary of Labor's suggestion that the fireman (helper) and crew consist issues be resolved by binding arbitration but the said parties have been unable to agree upon the terms and procedures of an arbitration agreement: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

Sec. 2. There is hereby established an arbitration board to consist of seven members. The representatives of the carrier and organization parties to the aforesaid dispute are hereby directed, respectively, within five days after the enactment hereof each to name two persons to serve as members of such arbitration board. The four members thus chosen shall select three additional members. The seven members shall then elect a chairman. If the members chosen by the parties shall fail to name one or more of the additional three members within ten days, such additional members shall be named by the President. If either party fails to name a member or members to the arbitration board within the five days provided, the President shall name such
member or members in lieu of such party and shall also name the
additional three members necessary to constitute a board of seven
members, all within ten days after the date of enactment of this joint
resolution. Notwithstanding any other provision of law, the National
Mediation Board is authorized and directed: (1) to compensate the
arbitrators not named by the parties at a rate not in excess of $100 for
each day together with necessary travel and subsistence expenses, and
(2) to provide such services and facilities as may be necessary and
appropriate in carrying out the purposes of this joint resolution.

Sec. 3. Promptly upon the completion of the naming of the arbitra-
tion board the Secretary of Labor shall furnish to the board and to
the parties to the dispute copies of his statement to the parties of
August 2, 1963, and the papers therewith submitted to the parties,
together with memorandums and such other data as the board may
request setting forth the matters with respect to which the parties
were in tentative agreement and the extent of disagreement with
respect to matters on which the parties were not in tentative agreement.
The arbitration board shall make a decision, pursuant to the pro-
cedures hereinafter set forth, as to what disposition shall be made of
those portions of the carriers’ notices of November 2, 1959, identified
as “Use of Firemen (Helpers) on Other Than Steam Power” and
“Consist of Road and Yard Crews” and that portion of the organi-
zations’ notices of September 7, 1960, identified as “Minimum Safe
Crew Consist” and implementing proposals pertaining thereto. The
arbitration board shall incorporate in such decision any matters on
which it finds the parties were in agreement, shall resolve the matters
on which the parties were not in agreement, and shall, in making its
award, give due consideration to those matters on which the parties
were in tentative agreement. Such award shall be binding on both the
carrier and organization parties to the dispute and shall constitute a
complete and final disposition of the aforesaid issues covered by the
decision of the board of arbitration.

Sec. 4. To the extent not inconsistent with this joint resolution the
arbitration shall be conducted pursuant to sections 7 and 8 of the Rail-
way Labor Act, the board’s award shall be made and filed as provided
in said sections and shall be subject to section 9 of said Act. The
United States District Court for the District of Columbia is hereby
designated as the court in which the award is to be filed, and the
arbitration board shall report to the National Mediation Board in
the same manner as arbitration boards functioning pursuant to the
Railway Labor Act. The award shall continue in force for such
period as the arbitration board shall determine in its award, but not
to exceed two years from the date the award takes effect, unless the
parties agree otherwise.

Sec. 5. The arbitration board shall begin its hearings thirty days
after the enactment of this joint resolution or on such earlier date
as the parties to the dispute and the board may agree upon and shall
make and file its award not later than ninety days after the enactment
of this joint resolution: Provided, however, That said award shall not
become effective until sixty days after the filing of the award.

Sec. 6. The parties to the disputes arising from the aforesaid notices
shall immediately resume collective bargaining with respect to all
issues raised in the notices of November 2, 1959, and September 7,
1960, not to be disposed of by arbitration under section 3 of this joint
resolution and shall exert every reasonable effort to resolve such
issues by agreement. The Secretary of Labor and the National Medi-
tion Board are hereby directed to give all reasonable assistance to the
parties and to engage in mediatory action directed toward promoting
such agreement.
Sec. 7. (a) In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the effect of the proposed award upon adequate and safe transportation service to the public and upon the interests of the carrier and employees affected, giving due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

(b) The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforceable through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

Sec. 8. This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

Sec. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Approved August 28, 1963.

August 28, 1963
[H. J. Res. 667]

Public Law 88-109

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1964, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1963 (Public Law 88-55), is hereby amended by striking out "August 31, 1963" and inserting in lieu thereof "October 31, 1963".

Approved August 28, 1963.

September 3, 1963
[H. R. 6996]

Public Law 88-110

AN ACT

To repeal section 262 of the Armed Forces Reserve Act, as amended, and to amend the Universal Military Training and Service Act, as amended, to revise and consolidate authority for deferment from, and exemption from liability for induction for, training and service for certain Reserve membership and participation, and to provide a special enlistment program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), is repealed.

Sec. 2. Section 6(c)(2) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(c)(2)), is further amended to read as follows:

"(A) Any person, other than a person referred to in subsection (d) hereof, who, prior to attaining the age of twenty-six years and prior to the issuance of orders for him to report for induction, enlists or accepts appointment in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this Act so long as he serves satisfactorily as a