

79TH CONGRESS
1ST SESSION

S. 1661

IN THE SENATE OF THE UNITED STATES

DECEMBER 6 (legislative day, OCTOBER 29), 1945

Mr. ELLENDER introduced the following bill; which was read twice and referred to the Committee on Education and Labor

A BILL

To provide for the appointment of fact-finding boards to investigate labor disputes seriously affecting the national public interest, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Labor Fact-Finding
4 Boards Act".

CERTIFICATION OF DISPUTES

6 SEC. 2. Whenever the Secretary of Labor finds—

7 (1) that there is a labor dispute in which the
8 agencies of the Government charged with the functions
9 of mediation and conciliation have been unable to bring
10 the parties to agreement and have been unable to induce

(b) The provisions of section 11 of the National Labor Relations Act (relating to the investigatory powers of the National Labor Relations Board) shall be applicable with respect to any board appointed under this section, and its members and agents, and with respect to the exercise of their functions, in the same manner that such provisions are applicable with respect to the National Labor Relations Board and the powers vested in it by sections 9 and 10 of the National Labor Relations Act.

(c) Any board appointed under this section may prescribe or adopt such rules and regulations as it deems necessary to govern its procedures and the exercise of its functions. Each of the members of such board shall receive compensation at such rate, not exceeding \$100 a day, as may be fixed by the President, and shall receive his necessary travel and other expenses incurred in connection with the work of the board. Such compensation and expenses shall be paid by the Secretary of Labor.

(d) The Secretary of Labor shall provide for the board such stenographic, clerical, and other assistants and such facilities, services, and supplies as may be necessary to enable the board to perform its functions. When a board appointed under this section has made its report, the board shall be dissolved and its records shall be transferred to the Secretary of Labor.

WAITING PERIOD
SEC. 4. (a) During the period of five days following the date on which the Secretary of Labor makes a certification to the President under section 2 with respect to a labor dispute, and, if a board is appointed under section 3 to make an investigation concerning such dispute, during the period beginning when such board is appointed and ending five days after the date on which it submits its report—

(1) the parties to such dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of such dispute, except that such terms and conditions may be changed by agreement between the parties; and

(2) it shall be unlawful for any person to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent such work or operations by lock-out, strike, or otherwise, or to aid any such lock-out or strike or other means of interfering with or preventing such work or operations by giving direction or guidance, or by providing funds for the conduct or direction thereof or for the payment of strike or other benefits to those participating therein.

(b) Nothing in this Act shall be construed to require an individual employee to render labor or service without

1 his consent, nor shall anything in this Act be construed
 2 to make the quitting of his labor or service by an individual
 3 employee an illegal act; nor shall any court issue any process
 4 to compel the performance by an individual employee of
 5 such labor or service, without his consent.

6 EXEMPTION

7 SEC. 5. Nothing in this Act shall be applicable with
 8 respect to any labor dispute subject to the provisions of the
 9 Railway Labor Act, as amended.

10 APPROPRIATIONS

11 SEC. 6. Such appropriations as may be necessary for
 12 carrying out the provisions of this Act are hereby authorized.