

114TH CONGRESS  
1ST SESSION

# H. R. 3932

To amend the Labor Management Relations Act, 1947, to provide for the mandatory appointment of a board of inquiry into slow-downs, strikes, or lock-outs when certain specified events occur, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2015

Mr. NEWHOUSE (for himself, Mr. SCHRADER, Mrs. McMORRIS RODGERS, Mr. COLE, Mr. LAMALFA, Mr. REICHERT, Mr. STIVERS, Mr. UPTON, and Mr. WALDEN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Labor Management Relations Act, 1947, to provide for the mandatory appointment of a board of inquiry into slow-downs, strikes, or lock-outs when certain specified events occur, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Continued  
5 Operations and No Other Major Incidents, Closures, or  
6 Slowdowns Act” or the “ECONOMICS Act”.

1 **SEC. 2. CONDITIONS REQUIRING APPOINTMENT OF BOARD**  
2 **OF INQUIRY.**

3 (a) IN GENERAL.—Section 206 of the Labor Manage-  
4 ment Relations Act, 1947 (29 U.S.C. 176) is amended—

5 (1) by striking “Whenever in the opinion” and  
6 inserting “(a) Whenever in the opinion”;

7 (2) by striking “a threatened or actual strike”  
8 and inserting “a slow-down, or a threatened or ac-  
9 tual strike or lock-out”; and

10 (3) by adding at the end the following:

11 “(b) The President shall appoint a board of inquiry  
12 described in subsection (a) not later than 10 days after  
13 any of the following events occur:

14 “(1) The U.S. Census Bureau reports that the  
15 monthly Import or Export Vessel Value decreased by  
16 20 percent or more in any one month from the pre-  
17 vious month in any one of the four metric identifica-  
18 tion regions.

19 “(2) A slow-down, or a threatened or an actual  
20 strike or lock-out takes place at four or more port  
21 facilities in any one of the four metric identification  
22 regions.

23 “(3) A slow-down, or a threatened or an actual  
24 strike or lock-out occurs in which the total number  
25 of employees actively striking, locked-out, or slowing  
26 down at the affected port facilities in any one of the

1 four metric identification regions, is 6,000 or great-  
2 er.

3 “(c) Whenever a board of inquiry is appointed as re-  
4 quired by the occurrence of any of the events described  
5 in subsection (b), such board shall submit a written report  
6 to the President not later than 10 days after its appoint-  
7 ment. If a board of inquiry is appointed as required due  
8 to the occurrence of the event described in paragraph (1)  
9 of such subsection, such board shall include in its report  
10 an assessment as to whether a slow-down, or a threatened  
11 or an actual strike or lock-out contributed to the occur-  
12 rence of such an event resulting in the board’s appoint-  
13 ment. If the board determines that a slow-down, or a  
14 threatened or an actual strike or lock-out did contribute  
15 to the occurrence of such an event, the board shall also  
16 include in its report the additional criteria established in  
17 subsection (a). The President shall file a copy of such re-  
18 port with the Service and shall make its contents available  
19 to the public.

20 “(d) For purposes of this section, the term ‘metric  
21 identification region’ means one of the four regions into  
22 which each of the Nation’s maritime ports is classified by  
23 the Secretary of Transportation in accordance with section  
24 4 of the Ensuring Continued Operations and No Other  
25 Major Incidents, Closures, or Slowdowns Act.”.

1 (b) CONFORMING AMENDMENTS.—Section 208(a) of  
2 the Labor Management Relations Act, 1947 (29 U.S.C.  
3 178(a)) is amended—

4 (1) by striking “such strike or lock-out” and in-  
5 serting “such slow-down, strike, or lock-out”; and

6 (2) by striking “such threatened or actual  
7 strike” and inserting “such slow-down, or threatened  
8 or actual strike or lock-out”.

9 **SEC. 3. STUDY AND RECOMMENDATIONS FOR ADDITIONAL**  
10 **CONDITIONS REQUIRING APPOINTMENT OF**  
11 **BOARD OF INQUIRY.**

12 (a) DATA.—The Director of the Bureau of Transpor-  
13 tation Statistics shall collect the following data relating  
14 to activity at port facilities in the United States:

15 (1) The average number of lifts per hour of  
16 containers by crane.

17 (2) The average cargo container dwell time.

18 (3) The average truck times at ports.

19 (4) The average rail time at ports.

20 (b) RECOMMENDATIONS TO CONGRESS.—Not later  
21 than 2 years after the date of enactment of this Act, the  
22 Director shall transmit a report to Congress containing  
23 recommendations for determining whether conditions exist  
24 requiring the appointment of a board of inquiry pursuant  
25 to section 206(b) of the Labor Management Relations Act,

1 1947, using the data required to be collected in accordance  
2 with subsection (a), or any other metric recommended by  
3 the Director.

4 **SEC. 4. CLASSIFICATION OF PORTS INTO REGIONS.**

5 Not later than 60 days after the date of enactment  
6 of this Act, the Secretary of Transportation shall classify  
7 the Nation's maritime ports as belonging to one of the  
8 following four metric identification regions:

- 9 (1) West Coast.  
10 (2) East Coast.  
11 (3) Gulf Coast.  
12 (4) Great Lakes.

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