

114TH CONGRESS
1ST SESSION

S. 1519

To amend the Labor Management Relations Act, 1947 to address slowdowns, strikes, and lock-outs occurring at ports in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2015

Mr. GARDNER (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Labor Management Relations Act, 1947 to address slowdowns, strikes, and lock-outs occurring at ports in the United States, 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 “Protecting Orderly and
5 Responsible Transit of Shipments Act of 2015” or the
6 “PORTS Act”.

1 **SEC. 2. ADDRESSING PORT SLOWDOWNS, STRIKES, AND**
2 **LOCK-OUTS.**

3 (a) NATIONAL EMERGENCIES.—Section 206 of the
4 Labor Management Relations Act, 1947 (29 U.S.C. 176)
5 is amended—

6 (1) in the first sentence—

7 (A) by striking “Whenever in the opinion”
8 and inserting “(a) Whenever in the opinion”;

9 (B) by striking “a threatened or actual
10 strike or lock-out” and inserting “a slowdown,
11 or a threatened or an actual strike or lock-
12 out,”;

13 (C) by striking “he may appoint” and in-
14 serting “the President may appoint”; and

15 (D) by striking “to him within such time
16 as he shall prescribe” and inserting “to the
17 President within such time as the President
18 shall prescribe and in accordance with the third
19 sentence of this subsection”;

20 (2) in the third sentence, by striking “The
21 President” and inserting “Not later than 30 days
22 after appointing the board of inquiry, the Presi-
23 dent”; and

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

25 “(b)(1) Whenever in the opinion of any Governor of
26 a State or territory of the United States, a slowdown, or

1 a threatened or an actual strike or lock-out, occurring at
2 1 or more ports in the United States, is affecting an entire
3 industry or a substantial part thereof engaged in trade,
4 commerce, transportation, transmission, or communica-
5 tion among the several States or with foreign nations, or
6 engaged in the production of goods for commerce, will, if
7 permitted to occur or to continue, imperil national or
8 State health or safety, the Governor may request the
9 President to appoint a board of inquiry under subsection
10 (a).

11 “(2)(A) If the President does not appoint a board of
12 inquiry within 10 days of receiving a request under para-
13 graph (1), the Governor who made the request under such
14 paragraph may appoint a board of inquiry to inquire into
15 the issues involved in the dispute and prepare and submit,
16 to the Governor and the President, a written report as
17 described in subparagraph (B) within such time as the
18 Governor shall prescribe and in accordance with the dead-
19 line under subparagraph (C).

20 “(B) The report described in this subparagraph shall
21 include a statement of the facts with respect to the dis-
22 pute, including a statement from each party to the dispute
23 describing the position of such party, but shall not contain
24 any recommendations.

1 “(C) Not later than 30 days after appointing a board
2 of inquiry under subparagraph (A), the Governor shall—

3 “(i) file a copy of the report described in sub-
4 paragraph (B) with the Service; and

5 “(ii) make the contents of such report available
6 to the President and the public.

7 “(c) Any Governor of a State or territory of the
8 United States (referred to in this subsection as the
9 ‘supplementing Governor’) may submit to the President
10 or Governor who appointed a board of inquiry under sub-
11 section (a) or (b) a supplement to the report under such
12 subsection that includes data pertaining to the impact on
13 the State or territory of the supplementing Governor of
14 a slowdown, or a threatened or an actual strike or lock-
15 out, at 1 or more ports. Upon receiving such supplement,
16 the President or Governor shall file such supplement with
17 the Service and make the contents of such supplement
18 available to the public.

19 “(d) For each slowdown, or threatened or actual
20 strike or lock-out, at 1 or more ports, only 1 board of
21 inquiry may be appointed under subsection (a) or (b)(2)
22 during any 90-day period.”.

23 (b) BOARDS OF INQUIRY.—Section 207(a) of the
24 Labor Management Relations Act, 1947 (29 U.S.C. 177)
25 is amended by striking “as the President shall determine,”

1 and inserting “as the President shall determine for a
 2 board of inquiry appointed under section 206(a), or as the
 3 Governor shall determine for a board of inquiry appointed
 4 by such Governor under section 206(b)(2),”.

5 (c) INJUNCTIONS DURING NATIONAL EMER-
 6 GENCIES.—Section 208 of the Labor Management Rela-
 7 tions Act, 1947 (29 U.S.C. 178) is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding clause (i)—

10 (i) by inserting “appointed under sub-
 11 section (a) or (b)(2) of section 206” after
 12 “board of inquiry”;

13 (ii) by striking “strike or lock-out or
 14 the continuing thereof” and inserting
 15 “slowdown, or threatened or actual strike
 16 or lock-out, or the continuing thereof”; and

17 (iii) by striking “such threatened or
 18 actual strike or lock-out” and inserting
 19 “such slowdown, or threatened or actual
 20 strike or lock-out, or the continuing there-
 21 of”; and

22 (B) in clause (ii), by striking “strike or
 23 lock-out or the continuing thereof” and insert-
 24 ing “slowdown, strike, or lock-out, or the con-
 25 tinuing thereof”;

1 (2) by redesignating subsections (b) and (c) as
2 subsections (c) and (d), respectively; and

3 (3) by inserting after subsection (a) the fol-
4 lowing:

5 “(b)(1) If a slowdown, or a threatened or an actual
6 strike or lock-out, is occurring at 1 or more ports and the
7 President does not direct the Attorney General to make
8 a petition under subsection (a) within 10 days of receiving
9 a report from a board of inquiry appointed under sub-
10 section (a) or (b)(2) of section 206, any Governor of a
11 State or territory of the United States in which such port
12 or ports are located may direct the attorney general of
13 such State or territory to petition the district court of the
14 United States having jurisdiction in such State or terri-
15 tory to enjoin such slowdown, or threatened or actual
16 strike or lock-out, or the continuing thereof, at the port
17 or ports within such State or territory.

18 “(2) The district court described in paragraph (1)
19 shall have jurisdiction to enjoin any slowdown, threatened
20 or actual strike or lock-out, or continuing thereof, and to
21 make such other orders as may be appropriate, if such
22 court determines that such slowdown or threatened or ac-
23 tual strike or lock-out—

24 “(A) affects an entire industry or a substantial
25 part thereof engaged in trade, commerce, transpor-

1 tation, transmission, or communication within the
2 applicable State or territory, or engaged in the pro-
3 duction of goods for commerce; and

4 “(B) if permitted to occur or to continue, will
5 imperil national or State health and safety.”.

6 (d) RECONVENING OF BOARDS OF INQUIRY; NLRB
7 SECRET BALLOTS.—Section 209(b) of the Labor Manage-
8 ment Relations Act, 1947 (29 U.S.C. 179(b)) is amend-
9 ed—

10 (1) in the first sentence, by striking “Upon the
11 issuance of such order, the President” and inserting
12 “(1) Upon the issuance of any such order, the Presi-
13 dent or the Governor, as the case may be,”;

14 (2) in the second sentence, by striking “report
15 to the President” and inserting “report to the Presi-
16 dent and any Governor who initiated an action
17 under section 206(b) or 208(b)”;

18 (3) in the third sentence, by striking “The
19 President” and inserting “The President or the Gov-
20 ernor, as the case may be,”;

21 (4) in the fourth sentence—

22 (A) by striking “The National Labor Rela-
23 tions Board, within the succeeding fifteen days,
24 shall take a secret ballot” and inserting the fol-
25 lowing:

1 “(2) Not later than 15 days after the board of inquiry
2 submits a report under paragraph (1), the National Labor
3 Relations Board, subject to paragraph (3), shall take a
4 secret ballot”;

5 (B) by striking “as stated by him” and in-
6 serting “as stated by the employer”; and

7 (C) by striking “Attorney General” and in-
8 serting “Attorney General or State attorney
9 general, whichever sought the injunction,”; and
10 (5) by adding at the end the following:

11 “(3) For each slowdown, or threatened or actual
12 strike or lock-out, at 1 or more ports, the National Labor
13 Relations Board shall take not more than 1 secret ballot
14 in any 30-day period for the same employees.”.

15 (e) DISCHARGE OF INJUNCTIONS.—Section 210 of
16 the Labor Management Relations Act, 1947 (29 U.S.C.
17 180) is amended—

18 (1) in the first sentence, by striking “the Attor-
19 ney General” and inserting “the Attorney General,
20 or the State attorney general, whichever sought the
21 injunction,”; and

22 (2) in the second sentence, by striking “the
23 President” and inserting “the President, or any

1 Governor who initiated an action under section
2 208(b),”.

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