

Section 3 of that bill said:

Promptly upon the completion of the manning of the Arbitration 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 procedures 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"—

A very narrowly defined issue: It picked out the general dispute—and that portion of the organization's notices of September 7, 1960 identified as "minimum safe crew consist," and implementing proposals pertaining thereto.

Note this:

The Arbitration Board shall incorporate in such decision any matter 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 awards shall be binding on both the carrier and the organizations, parties to the dispute, and constitute a complete and final disposition of the aforesaid issues covered by the decision.

Further, in section 7, the Board was again admonished to give due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

By contrast, the bill that you now have under consideration is wide open. The Board, it is true, is admonished to start with the Fahy Panel recommendations; but then in its final determination it is authorized to modify those recommendations according to four standards which seem to me to be as broad as all outdoors. The standards are—

(1) That it shall be in the public interest.

What variety of notions can various people have as to what is in the public interest?

(2) It is to achieve a fair and equitable extension of the collective bargaining in this case.

(3) It is to protect the collective bargaining process.

(4) Fulfill the purposes of the Railway Labor Act.

I submit to you gentlemen that there can be as many different notions of how those standards apply as there are people in the world.

Mr. FRIEDEL. Do you have any amendments to offer to this section?

Mr. SCHOENE. No, Mr. Friedel. I think the history of Public Law 88-108 demonstrates that no matter how narrowly you define the issues, what standards you set up, it still isn't going to work.

Public Law 88-108 did provide that the award was subject to impeachment if the standards set forth in the legislation were not followed. Even that safeguard is lacking in this case.

But what happened? The Arbitration Board, in fact, utterly disregarded the standards that I have read to you. The Secretary of Labor now admits that that Board set up its own standards of reference for resolving the dispute in spite of the fact that Congress had admonished the Board to incorporate in its award the matters on which the parties were in tentative agreement.