

such rules and regulations as may be necessary to carry out the provisions of this chapter.

**(b) Application**

The requirements of subsection (a) shall not apply to any rule or proposed rule to which the third sentence of section 553(b) of title 5 applies.

(May 20, 1926, ch. 347, §10A, as added Pub. L. 112-95, title X, §1001, Feb. 14, 2012, 126 Stat. 146.)

**§ 161. Effect of partial invalidity of chapter**

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(May 20, 1926, ch. 347, §11, 44 Stat. 587.)

**Statutory Notes and Related Subsidiaries**

**SEPARABILITY; REPEAL OF INCONSISTENT PROVISIONS**

Act June 21, 1934, ch. 691, §8, 48 Stat. 1197, provided that: "If any section, subsection, sentence, clause, or phrase of this Act [amending sections 151 to 158, 160, and 162 of this title] is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed."

**§ 162. Authorization of appropriations**

There is authorized to be appropriated such sums as may be necessary for expenditure by the Mediation Board in carrying out the provisions of this chapter.

(May 20, 1926, ch. 347, §12, 44 Stat. 587; June 21, 1934, ch. 691, §7, 48 Stat. 1197.)

**Editorial Notes**

**AMENDMENTS**

1934—Act June 21, 1934, substituted "Mediation Board" for "Board of Mediation".

**§ 163. Repeal of prior legislation; exception**

Chapters 6 and 7 of this title, providing for mediation, conciliation, and arbitration, and all Acts and parts of Acts in conflict with the provisions of this chapter are repealed, except that the members, secretary, officers, employees, and agents of the Railroad Labor Board, in office on May 20, 1926, shall receive their salaries for a period of 30 days from such date, in the same manner as though this chapter had not been passed.

(May 20, 1926, ch. 347, §14, 44 Stat. 587.)

**Editorial Notes**

**REFERENCES IN TEXT**

Chapters 6 and 7 of this title, referred to in text, were in the original references to the act of July 15, 1913, and title III of the Transportation Act, 1920, respectively.

**§ 164. Repealed. Oct. 10, 1940, ch. 851, §4, 54 Stat. 1111**

Section, act Feb. 11, 1927, ch. 104, §1, 44 Stat. 1072, related to advertisements for proposals for purchases or services rendered for Board of Mediation, including arbitration boards.

**§ 165. Evaluation and audit of Mediation Board**

**(a) Evaluation and audit of Mediation Board**

**(1) In general**

In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted not less frequently than every 2 years, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

**(2) Responsibility of Comptroller General**

In carrying out the evaluation and audit required under paragraph (1), the Comptroller General shall evaluate and audit the programs, operations, and activities of the Mediation Board, including, at a minimum—

- (A) information management and security, including privacy protection of personally identifiable information;
- (B) resource management;
- (C) workforce development;
- (D) procurement and contracting planning, practices, and policies;
- (E) the extent to which the Mediation Board follows leading practices in selected management areas; and
- (F) the processes the Mediation Board follows to address challenges in—

- (i) initial investigations of applications requesting that an organization or individual be certified as the representative of any craft or class of employees;
- (ii) determining and certifying representatives of employees; and
- (iii) ensuring that the process occurs without interference, influence, or coercion.

**(b) Immediate review of certification procedures**

Not later than 180 days after February 14, 2012, the Comptroller General shall review the processes applied by the Mediation Board to certify or decertify representation of employees by a labor organization and make recommendations to the Board and appropriate congressional committees regarding actions that may be taken by the Board or Congress to ensure that the processes are fair and reasonable for all parties. Such review shall be conducted separately from any evaluation and audit under subsection (a) and shall include, at a minimum—

- (1) an evaluation of the existing processes and changes to such processes that have occurred since the establishment of the Mediation Board and whether those changes are consistent with congressional intent; and
- (2) a description of the extent to which such processes are consistent with similar processes applied to other Federal or State agencies with jurisdiction over labor relations, and an evaluation of any justifications for any discrepancies between the processes of the Mediation Board and such similar Federal or State processes.

**(c) Appropriate congressional committee defined**

In this section, the term "appropriate congressional committees" means the Committee on