

A prior section 763, Pub. L. 93-236, title IV, § 403, Jan. 2, 1974, 87 Stat. 1012; Pub. L. 93-488, § 1(e), Oct. 26, 1974, 88 Stat. 1465; Pub. L. 94-210, title VIII, § 805(b), (c), Feb. 5, 1976, 90 Stat. 142, authorized Association to provide loans for acquisition of rail properties by States or local or regional transportation authorities and for modernization of those acquired properties, prior to repeal by Pub. L. 94-210, title VIII, § 806, Feb. 5, 1976, 90 Stat. 143, eff. Apr. 1, 1978.

Section 764, Pub. L. 93-236, title IV, § 404, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 656, related to failure to sell interest of United States in common stock of Consolidated Rail Corporation as an entity.

Section 765, Pub. L. 93-236, title IV, § 405, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 657, related to plans to transfer Consolidated Rail Corporation's freight rail properties and service responsibilities.

Section 766, Pub. L. 93-236, title IV, § 406, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 658, related to consolidation and review of freight transfer agreements.

Section 767, Pub. L. 93-236, title IV, § 407, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 658, related to public comment and Congressional notification regarding freight transfer agreements.

Section 768, Pub. L. 93-236, title IV, § 408, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 659, related to performance under freight transfer agreements.

Section 769, Pub. L. 93-236, title IV, § 409, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 659, provided that conveyance of interest in rail properties under freight transfer agreement is deemed to be an assignment.

Section 769a, Pub. L. 93-236, title IV, § 410, as added Pub. L. 97-35, title XI, § 1142, Aug. 13, 1981, 95 Stat. 660, related to identification and sale of unprofitable subsidiaries of Consolidated Rail Corporation.

Section 769b, Pub. L. 93-236, title IV, § 411, as added Pub. L. 97-35, title XI, § 1146(a), Aug. 13, 1981, 95 Stat. 672, related to labor transfer agreements.

Section 769c, Pub. L. 93-236, title IV, § 412, as added Pub. L. 97-35, title XI, § 1146(a), Aug. 13, 1981, 95 Stat. 673, related to labor protection benefits.

SUBCHAPTER V—EMPLOYEE PROTECTION

§§ 771 to 780. Repealed. Pub. L. 97-35, title XI, § 1144(a)(1), Aug. 13, 1981, 95 Stat. 669

Section 771, Pub. L. 93-236, title V, § 501, Jan. 2, 1974, 87 Stat. 1012; Pub. L. 94-210, title VI, §§ 607(i), 613, Feb. 5, 1976, 90 Stat. 97, 112; Pub. L. 94-248, § 5, Mar. 25, 1976, 90 Stat. 286; Pub. L. 94-555, title II, § 207(a), Oct. 19, 1976, 90 Stat. 2621; Pub. L. 96-448, title V, § 508(d), Oct. 14, 1980, 94 Stat. 1957, set forth provisions defining terms applicable to employee protection rights.

Section 772, Pub. L. 93-236, title V, § 502, Jan. 2, 1974, 87 Stat. 1013; Pub. L. 94-210, title VI, § 614, Feb. 5, 1976, 90 Stat. 112, set forth provisions respecting employment offers.

Section 773, Pub. L. 93-236, title V, § 503, Jan. 2, 1974, 87 Stat. 1014, related to assignment of work.

Section 774, Pub. L. 93-236, title V, § 504, Jan. 2, 1974, 87 Stat. 1014; Pub. L. 94-210, title VI, § 615, Feb. 5, 1976, 90 Stat. 113; Pub. L. 94-555, title II, § 207(b), 208, Oct. 19, 1976, 90 Stat. 2622; Pub. L. 96-448, title V, § 506, Oct. 14, 1980, 94 Stat. 1956, set forth provisions respecting collective bargaining agreements.

Section 775, Pub. L. 93-236, title V, § 505, Jan. 2, 1974, 87 Stat. 1015; Pub. L. 94-210, title VI, § 616(a)-(g), Feb. 5, 1976, 90 Stat. 115, 116; Pub. L. 94-555, title II, §§ 209, 210, Oct. 19, 1976, 90 Stat. 2623; Pub. L. 96-448, title V, §§ 501-503, Oct. 14, 1980, 94 Stat. 1948-1954, set forth provisions relating to employee protection programs.

Section 776, Pub. L. 93-236, title V, § 506, Jan. 2, 1974, 87 Stat. 1019, related to contracting out of work.

Section 777, Pub. L. 93-236, title V, § 507, Jan. 2, 1974, 87 Stat. 1020; Pub. L. 96-448, title V, § 508(e), Oct. 14,

1980, 94 Stat. 1957, related to arbitration of disputes or controversies.

Section 778, Pub. L. 93-236, title V, § 508, Jan. 2, 1974, 87 Stat. 1020; Pub. L. 94-210, title VI, § 617, Feb. 5, 1976, 90 Stat. 117, related to duties of acquiring and selling railroads.

Section 779, Pub. L. 93-236, title V, § 509, Jan. 2, 1974, 87 Stat. 1020; Pub. L. 94-210, title VI, § 616(h), Feb. 5, 1976, 90 Stat. 116; Pub. L. 94-555, title II, § 207(c), Oct. 19, 1976, 90 Stat. 2622; Pub. L. 96-448, title V, § 504, Oct. 14, 1980, 94 Stat. 1955, set forth provisions respecting benefit payments.

Section 780, Pub. L. 93-236, title V, § 510, as added Pub. L. 96-448, title V, § 505, Oct. 14, 1980, 94 Stat. 1956, related to railroad hiring.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL; CONTINUATION OF BENEFITS AFTER REPEAL; LAW GOVERNING DISPUTES; PRE-REQUISITES TO DISBURSEMENT OF BENEFITS

Pub. L. 97-35, title XI, § 1144(a)(2)-(4), Aug. 13, 1981, 95 Stat. 669, provided that:

“(2) Notwithstanding the repeal made by paragraph (1) of this subsection [repealing this subchapter]—

“(A) benefits accrued as of the effective date of this subsection as a result of events that occurred wholly prior to October 1, 1981, shall be disbursed except as provided in paragraph (3); and

“(B) any dispute or controversy regarding such benefits shall be determined under the terms of the law in effect on the date the claim arose.

“(3) Benefits shall not be disbursed under paragraph (2)(A) unless the employee has filed a claim for such benefits within 90 days after the date of repeal; except that, with respect to a claim which is the subject of or is based upon any arbitration decision issued after the date of repeal, such 90-day period shall not commence until such arbitration decision is issued to the employee and the employee's representative; and no benefits shall be disbursed unless appropriations for such purposes are or become available.

“(4) The provisions of this subsection shall take effect on the first day of the first month beginning after the date of enactment of this subtitle [Aug. 13, 1981].”

EMPLOYEE PROTECTION PAYMENTS UNDER FORMER PROVISIONS; REIMBURSEMENT

Pub. L. 96-448, title V, § 507, Oct. 14, 1980, 94 Stat. 1956, provided that notwithstanding any other provision of law, the Consolidated Rail Corporation and other employers with employees protected under this subchapter, until the effective date of Pub. L. 96-448 [probably means Oct. 1, 1980, see section 710 of Pub. L. 96-448, set out as a note under section 1170 of Title 11, Bankruptcy], continue to make payments for employee protection under such Act, [probably means this subchapter] in accordance with the provisions of such Act [probably means this subchapter], which were in effect on Jan. 1, 1979, and that notwithstanding any other provision of law, such Corporation and employers be reimbursed for such payments in accordance with former section 779(a) of this title.

CONRAIL EMPLOYEE PROTECTION

Pub. L. 96-254, title II, § 214, May 30, 1980, 94 Stat. 417, provided that the Consolidated Railroad Corporation make payments in accordance with this subchapter, and the United States Railway Association not, as a result of such payments, withhold any funds from the Corporation, and that this provision take effect as of Mar. 1, 1980, and remain in effect until the expiration of the 45-day period beginning on May 30, 1980, and after the expiration of such 45-day period, payments by the Consolidated Rail Corporation under this subchapter and funding of the Corporation by the United States Railway Association be governed by applicable law.

SUBCHAPTER VI—MISCELLANEOUS
PROVISIONS

§ 791. Relationship to other laws

(a) Antitrust

(1) Except as specifically provided in paragraph (2) of this subsection, no provision of this chapter shall be deemed to convey to any railroad or employee or director thereof any immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) The antitrust laws are inapplicable with respect to any action taken to formulate or implement the final system plan where such action was in compliance with the requirements of such plan and with respect to any action taken to formulate or implement any supplemental transaction.

(3) As used in this subsection, "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended [15 U.S.C. 41 et seq.], sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended [15 U.S.C. 8, 9]; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; and the antitrust laws of any State or subdivision thereof.

(b) Commerce, securities, and bankruptcy

(1) The provisions of subtitle IV of title 49 and the Bankruptcy Act, are inapplicable (A) to actions taken under this chapter to formulate and implement the final system plan where such action was in compliance with the requirements of such plan, and (B) to actions taken under this chapter to formulate or implement any supplemental transaction.

(2) All securities of the Corporation which are issued to the Association as the initial holder, or which are issued in connection with the transfer to the Corporation or a subsidiary thereof of rail properties under this chapter, shall be deemed for all purposes to have been issued subject to and authorized pursuant to section 11301¹ of title 49.

(3) The provisions of section 77e of title 15, shall not apply to transactions involving the issuance of any security of the Corporation to the Association, transactions involving the issuance of any security of the Corporation that is deposited with the special court pursuant to section 743(a) of this title, or transactions involving the issuance or distribution of any security of the Corporation, where the terms and conditions of such issuance or distribution are approved by the special court pursuant to section 743(c) of this title.

(4) The powers and duties of the Commission under section 77 of the Bankruptcy Act, with respect to a railroad in reorganization in the region which conveys all or substantially all of its designated rail properties to the Corporation or a subsidiary thereof, or to profitable railroads in the region, pursuant to the final system plan, and the requirement that plans of reorganization be filed with the Commission, shall cease upon the date of such conveyance. The powers and duties of the Commission under section 77 of

the Bankruptcy Act shall also so terminate, as of February 5, 1976, with respect to any railroad in reorganization under such section 77 but not subject to this chapter which (1) does not operate any line of railroad, and (2) has transferred all or substantially all of its rail properties to a railroad in reorganization in the region which was subject to this chapter prior to February 5, 1976. Thereafter, such powers and duties of the Commission shall be vested in the district court of the United States which has jurisdiction of the estate of any such railroad in reorganization at the time of such conveyance. Such court shall proceed to reorganize or liquidate such railroad in reorganization pursuant to such section 77 on such terms as the court deems just and reasonable, or pursuant to any other provisions of the Bankruptcy Act, if the court finds that such action would be in the best interests of such estate. This paragraph does not affect any obligation of any carrier by railroad subject to regulation under subtitle IV of title 49. The powers and duties of the Commission under section 77 of the Bankruptcy Act shall continue in effect only to the extent that the railroad in reorganization continues to operate any line of railroad.

(c) Environment

The provisions of section 4332(2)(C) of title 42 shall not apply with respect to any action taken under authority of this chapter before, and including, the conveyance of rail properties ordered by the special court under section 743 (b)(1) of this title, and shall not apply thereafter to any action taken in compliance with the requirements of the final system plan.

(d) Northeast Corridor

(1) Rail properties designated in accordance with section 716(c)(1)(C) of this title shall be purchased or leased by the National Railroad Passenger Corporation. The Corporation shall negotiate an appropriate sale or lease agreement with the National Railroad Passenger Corporation for the properties designated for transfer pursuant to section 716(c)(1)(C) of this title, which shall take effect on the date of conveyance of such properties to the Corporation.

(2) Properties acquired by purchase, lease, or otherwise pursuant to this subsection shall be improved in order to meet the goal set forth in section 716(a)(3) of this title, relating to improved highspeed passenger service, by the earliest practicable date after January 2, 1974.

(3) The Secretary shall begin the necessary engineering studies and improvements on January 2, 1974.

(4) The final system plan shall provide for any necessary coordination with freight or commuter services of use of the facilities designated in section 716(c)(1)(C) of this title. Such coordination may be effectuated through a single operating entity, designated in the final system plan, or as mutually agreed upon by the interested parties.

(5) Construction or improvements made pursuant to this subsection may be made in consultation with the Corps of Engineers.

(Pub. L. 93-236, title VI, §601(a)-(d), Jan. 2, 1974, 87 Stat. 1021; Pub. L. 94-210, title VI, §618, title VII, §706(b), formerly §705(b), Feb. 5, 1976, 90

¹ See References in Text note below.