

(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

**(g) Rights of the Secretary**

**(1) Subrogation**

If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) of this section in connection with a loan guarantee made under section 822 of this title, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

**(2) Disposition of property**

The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

**(h) Action against obligor**

The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 822 of this title, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 822 of this title. The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

- (1) the amount paid to the holder of a guarantee under subsection (g) of this section; and
- (2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

**(i) Breach of conditions**

The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this subchapter, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

**(j) Attachment**

No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

**(k) Evaluation charge**

The Secretary may charge and collect from each applicant a reasonable charge for the cost of evaluating the application, including appraisal of the value of the equipment or facili-

ties for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation. Amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended to pay for the evaluation costs described in this subsection.

**(l) Fees and charges**

Except as provided in this subchapter, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 822 of this title.

(Pub. L. 94-210, title V, §503, as added and amended Pub. L. 105-178, title VII, §7203(a)(1), (4), June 9, 1998, 112 Stat. 475, 477; Pub. L. 109-59, title IX, §9003(h), (i), Aug. 10, 2005, 119 Stat. 1923.)

CODIFICATION

The text of section 831(c) of this title, which was transferred to subsec. (b) of this section, relating to full faith and credit backing of guarantees entered into by Secretary, by Pub. L. 105-178, title VII, §7203(a)(4), June 9, 1998, 112 Stat. 477, was based on Pub. L. 94-210, title V, §511, Feb. 5, 1976, 90 Stat. 76; Pub. L. 94-555, title II, §215(a), Oct. 19, 1976, 90 Stat. 2625; Pub. L. 105-178, title VII, §7203(a)(2), (3), June 9, 1998, 112 Stat. 477.

PRIOR PROVISIONS

A prior section 823, Pub. L. 94-210, title V, §503, Feb. 5, 1976, 90 Stat. 69; Pub. L. 94-555, title II, §216(b), Oct. 19, 1976, 90 Stat. 2627, related to classification and designation of rail lines, prior to repeal by Pub. L. 105-178, title VII, §7203(a)(1), June 9, 1998, 112 Stat. 471.

AMENDMENTS

2005—Subsec. (k). Pub. L. 109-59, §9003(h), in heading, substituted "Evaluation" for "Investigation" and, in text, inserted "the cost of evaluating the application, including" after "reasonable charge for" and inserted at end "Amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended to pay for the evaluation costs described in this subsection."

Subsec. (l). Pub. L. 109-59, §9003(i), added subsec. (l).  
1998—Subsec. (b). Pub. L. 105-178, §7203(a)(4), redesignated subsec. (c) of section 831 of this title as subsec. (b) of this section, relating to full faith and credit backing of guarantees entered into by Secretary. See Codification note above.

**§§ 824, 825. Repealed. Pub. L. 105-178, title VII, §7203(a)(1), (2), June 9, 1998, 112 Stat. 471, 477**

Section 824, Pub. L. 94-210, title V, §504, Feb. 5, 1976, 90 Stat. 70; Pub. L. 94-555, title II, §§216(c), 220(d), Oct. 19, 1976, 90 Stat. 2627, 2629, related to capital needs study to be submitted to Secretary.

Section 825, Pub. L. 94-210, title V, §505, Feb. 5, 1976, 90 Stat. 71; Pub. L. 94-555, title II, §§212, 216(a), Oct. 19, 1976, 90 Stat. 2624, 2626; Pub. L. 95-565, §5, Nov. 1, 1978, 92 Stat. 2400; Pub. L. 95-607, title III, §§301(a), 302, Nov. 8, 1978, 92 Stat. 3066; Pub. L. 95-620, title VIII, §803(c)(5), (6), Nov. 9, 1978, 92 Stat. 3347, 3348; Pub. L. 96-73, title IV, §401, Sept. 29, 1979, 93 Stat. 557; Pub. L. 96-101, §§16, 24(a), Nov. 4, 1979, 93 Stat. 744, 747; Pub. L. 96-254, title I, §112, May 30, 1980, 94 Stat. 404; Pub. L. 96-448, title IV, §§404, 405(a)(1), (c)(1), (2), (4), (5), 406, title VII, §701(d), Oct. 14, 1980, 94 Stat. 1945-1947, 1961; Pub. L. 97-35, title

XI, § 1162(a), (c), (d), Aug. 13, 1981, 95 Stat. 683, 684; Pub. L. 97-468, title IV, §§ 401, 403(b), Jan. 14, 1983, 96 Stat. 2550, 2551; Pub. L. 99-509, title IV, § 4033(c)(3), Oct. 21, 1986, 100 Stat. 1908; Pub. L. 104-88, title III, § 330(2), Dec. 29, 1995, 109 Stat. 953, related to rehabilitation and improvement financing.

**§ 825a. Repealed. Pub. L. 99-509, title IV, § 4033(c)(6), Oct. 21, 1986, 100 Stat. 1909**

Section, Pub. L. 97-468, title IV, § 402, Jan. 14, 1983, 96 Stat. 2550, provided for financial assistance to responsible persons for purchase, lease, or rehabilitation of rail lines of Consolidated Rail Corporation.

**§§ 826 to 830. Repealed. Pub. L. 105-178, title VII, § 7203(a)(2), June 9, 1998, 112 Stat. 477**

Section 826, Pub. L. 94-210, title V, § 506, Feb. 5, 1976, 90 Stat. 73; Pub. L. 94-555, title II, §§ 213, 214, Oct. 19, 1976, 90 Stat. 2624, 2625; Pub. L. 96-448, title IV, § 405(c)(3)(A), (C), Oct. 14, 1980, 94 Stat. 1946, 1947, related to redeemable preference shares.

Section 827, Pub. L. 94-210, title V, § 507, Feb. 5, 1976, 90 Stat. 74; Pub. L. 95-607, title III, § 301(b), Nov. 8, 1978, 92 Stat. 3066; Pub. L. 96-73, title IV, § 401, Sept. 29, 1979, 93 Stat. 557; Pub. L. 96-448, title IV, §§ 404, 405(a)(2), (c)(3)(B), Oct. 14, 1980, 94 Stat. 1945, 1946; Pub. L. 97-468, title IV, § 401, Jan. 14, 1983, 96 Stat. 2550, related to fund anticipation notes.

Section 828, Pub. L. 94-210, title V, § 508, Feb. 5, 1976, 90 Stat. 74, related to fund bonds.

Section 829, Pub. L. 94-210, title V, § 509, Feb. 5, 1976, 90 Stat. 76; Pub. L. 94-555, title II, § 216(d), Oct. 19, 1976, 90 Stat. 2627; Pub. L. 95-607, title III, § 301(c), Nov. 8, 1978, 92 Stat. 3066; Pub. L. 96-73, title IV, § 401, Sept. 29, 1979, 93 Stat. 557; Pub. L. 96-448, title IV, §§ 404, 405(a)(2), (b)(1), Oct. 14, 1980, 94 Stat. 1945; Pub. L. 97-35, title XI, § 1162(e), (f), Aug. 13, 1981, 95 Stat. 684, 685; Pub. L. 97-468, title IV, §§ 401, 403(a), Jan. 14, 1983, 96 Stat. 2550, 2551; Pub. L. 99-509, title IV, § 4033(c)(4), Oct. 21, 1986, 100 Stat. 1909; Pub. L. 104-88, title III, § 330(3), Dec. 29, 1995, 109 Stat. 953, related to authorization of appropriations, purchases, transfer of funds, and restrictions.

Section 830, Pub. L. 94-210, title V, § 510, Feb. 5, 1976, 90 Stat. 76; Pub. L. 104-88, title III, § 330(4), Dec. 29, 1995, 109 Stat. 953, related to exemption of redeemable preference shares from certain Federal and State securities provisions.

**§ 831. Transferred**

CODIFICATION

Section, Pub. L. 94-210, title V, § 511, Feb. 5, 1976, 90 Stat. 76; Pub. L. 94-555, title II, §§ 215, 220(e), (f), Oct. 19, 1976, 90 Stat. 2625, 2629, 2630; Pub. L. 96-448, title IV, § 405(e), Oct. 14, 1980, 94 Stat. 1947; Pub. L. 99-509, title IV, § 4033(c)(5), Oct. 21, 1986, 100 Stat. 1909; Pub. L. 102-240, title I, § 1036(e), Dec. 18, 1991, 105 Stat. 1986, which related to guarantee of obligations, was repealed, except for subsec. (c), by Pub. L. 105-178, title VII, § 7203(a)(2), June 9, 1998, 112 Stat. 477. Subsec. (c) of section 831 was amended, redesignated, and transferred to section 823(b) of this title by Pub. L. 105-178, title VII, § 7203(a)(3), (4), June 9, 1998, 112 Stat. 477.

**§§ 832 to 834. Repealed. Pub. L. 105-178, title VII, § 7203(a)(2), June 9, 1998, 112 Stat. 477**

Section 832, Pub. L. 94-210, title V, § 512, Feb. 5, 1976, 90 Stat. 79, related to issuance of notes or obligations.

Section 833, Pub. L. 94-210, title V, § 513, Feb. 5, 1976, 90 Stat. 80, related to default on guaranteed obligations.

Section 834, Pub. L. 94-210, title V, § 514, Feb. 5, 1976, 90 Stat. 81, related to audit of transactions.

**§ 835. Repealed. Pub. L. 97-375, title I, § 111(d), Dec. 21, 1982, 96 Stat. 1821; Pub. L. 105-178, title VII, § 7203(a)(2), June 9, 1998, 112 Stat. 477**

Section, Pub. L. 94-210, title V, § 515, Feb. 5, 1976, 90 Stat. 82, directed Secretary to report to Congress within 90 days following end of each fiscal year on financial condition and operations of Fund and of obligation guarantee fund during such fiscal year, and on anticipated condition and operations of Fund and of obligation guarantee fund during current fiscal year.

**§ 836. Employee protection**

**(a) General**

Fair and equitable arrangements shall be provided, in accordance with this section, to protect the interests of any employees not otherwise protected under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.), who may be affected by actions taken pursuant to authorizations or approval obtained under this subchapter. Such arrangements shall be determined by the execution of an agreement between the representatives of the railroads and the representatives of their employees, within 120 days after February 5, 1976. In the absence of such an executed agreement, the Secretary of Labor shall prescribe the applicable protective arrangements, within 150 days after February 5, 1976.

**(b) Terms**

The arrangements required by subsection (a) of this section shall apply to each employee who has an employment relationship with a railroad on the date on which such railroad first applies for applicable financial assistance under this subchapter. Such arrangements shall include such provisions as may be necessary for the negotiation and execution of agreements as to the manner in which the protective arrangements shall be applied, including notice requirements. Such agreements shall be executed prior to implementation of work funded from financial assistance under this subchapter. If such an agreement is not reached within 30 days after the date on which an application for such assistance is approved, either party to the dispute may submit the issue for final and binding arbitration. The decision on any such arbitration shall be rendered within 30 days after such submission. Such arbitration decision shall in no way modify the protection afforded in the protective arrangements established pursuant to this section, shall be final and binding on the parties thereto, and shall become a part of the agreement. Such arrangements shall also include such provisions as may be necessary—

(1) for the preservation of compensation (including subsequent general wage increases, vacation allowances, and monthly compensation guarantees), rights, privileges, and benefits (including fringe benefits such as pensions, hospitalization, and vacations, under the same conditions and so long as such benefits continue to be accorded to other employees of the employing railroad in active service or on furlough, as the case may be) to such employees under existing collective-bargaining agreements or otherwise;

(2) to provide for final and binding arbitration of any dispute which cannot be settled by