

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 Repealed.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.

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