

(B) If the Corporation receives no bona fide offer under subparagraph (A), within such 120-day period, the Corporation may abandon or dispose of the line as it chooses, except that the Corporation may not dismantle bridges, or other structures (not including rail, signals, and other rail facilities) for 120 days thereafter. The Secretary may require that bridges or other structures (not including rail, signals, and other rail facilities), not be dismantled for an additional 8 months if he assumes all liability of any sort related to such property.

(4) If the purchaser under paragraph (3)(A) of this subsection of any line of the Corporation abandons such line within five years after such purchase, the proceeds of any track liquidations shall be paid into the general fund of the Treasury of the United States.

#### (f) Employee protection

The provisions of section 10903(b)(3)<sup>1</sup> of title 49 shall not apply to any abandonment granted under this section. Any employee who was protected by the compensatory provisions of subchapter V<sup>2</sup> of this chapter immediately prior to August 13, 1981, who is deprived of employment by such an abandonment shall be eligible for employee protection under section 797<sup>2</sup> of this title.

(Pub. L. 93-236, title III, §308, as added Pub. L. 97-35, title XI, §1156(a), Aug. 13, 1981, 95 Stat. 679; amended Pub. L. 98-181, title II, §2003(c)(2), Nov. 30, 1983, 97 Stat. 1298; Pub. L. 104-88, title III, §327(4), Dec. 29, 1995, 109 Stat. 952.)

#### REFERENCES IN TEXT

Subchapter V of this chapter, referred to in subsec. (f), was repealed by Pub. L. 97-35, title XI, §1144(a)(1), Aug. 13, 1981, 95 Stat. 669.

Section 797 of this title, referred to in subsec. (f), was repealed by Pub. L. 99-509, title IV, §4024(c), Oct. 21, 1986, 100 Stat. 1904, effective on the sale date (Apr. 2, 1987).

#### AMENDMENTS

1995—Subsec. (d)(1). Pub. L. 104-88, §327(4)(A), substituted “section 10904” for “section 10905(d)-(f)”.

Subsec. (f). Pub. L. 104-88, §327(4)(B), substituted “section 10903(b)(3)” for “section 10903(b)(2)”.

1983—Subsec. (c)(1). Pub. L. 98-181 substituted “1985” for “1983”.

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of Title 49, Transportation.

#### EFFECTIVE DATE

Section effective Aug. 13, 1981, see section 1169 of Pub. L. 97-35, set out as a note under section 1101 of this title.

#### ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 1302 of Title 49, Transportation, and section 101 of Pub. L. 104-88, set

out as a note under section 1301 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 1301 of Title 49.

#### SUBCHAPTER IV—TRANSFER OF FREIGHT SERVICES

#### §§ 761 to 769c. Repealed. Pub. L. 99-509, title IV, §4033(a)(1), Oct. 21, 1986, 100 Stat. 1908

Section 761, Pub. L. 93-236, title IV, §401, as added Pub. L. 97-35, title XI, §1142, Aug. 13, 1981, 95 Stat. 654, related to sale of interest of United States in common stock of Consolidated Rail Corporation.

A prior section 761, Pub. L. 93-236, title IV, §401, Jan. 2, 1974, 87 Stat. 1010, related to Congressional findings and purpose in providing for a program of rail service continuation subsidies, prior to repeal by Pub. L. 94-210, title VIII, §806, Feb. 5, 1976, 90 Stat. 143, eff. Apr. 1, 1978.

Section 762, Pub. L. 93-236, title IV, §402, as added Pub. L. 97-35, title XI, §1142, Aug. 13, 1981, 95 Stat. 655, related to debt and preferred stock of Consolidated Rail Corporation.

A prior section 762, Pub. L. 93-236, title IV, §402, Jan. 2, 1974, 87 Stat. 1010; Pub. L. 93-488, §1(d), Oct. 26, 1974, 88 Stat. 1464; Pub. L. 94-210, title VIII, §805(a), Feb. 5, 1976, 90 Stat. 139, directed Secretary to provide financial assistance to States and local or regional transportation authorities in facilitating and maintaining main line or local rail service, prior to repeal by Pub. L. 94-210, title VIII, §806, Feb. 5, 1976, 90 Stat. 143, eff. Apr. 1, 1978.

Section 763, Pub. L. 93-236, title IV, §403, as added Pub. L. 97-35, title XI, §1142, Aug. 13, 1981, 95 Stat. 655, related to determinations about profitability of Consolidated Rail Corporation.

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.

<sup>1</sup> So in original. Section 10903(b) of Title 49, Transportation, does not contain a par. (3).

<sup>2</sup> See References in Text note below.

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.

#### 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.