

Oct. 21, 1986, 100 Stat. 1904, effective on the sale date (Apr. 2, 1987).

Section 797l of this title, referred to in subsec. (a), was repealed by Pub. L. 99-509, title IV, § 4033(a)(2), Oct. 21, 1986, 100 Stat. 1908, and a new section 797l of this title was subsequently added by Pub. L. 104-88, § 327(5).

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.

**§ 797j. Preemption**

No State may adopt or continue in force any law, rule, regulation, order, or standard requiring the Corporation to employ any specified number of persons to perform any particular task, function, or operation, or requiring the Corporation to pay protective benefits to employees, and no State in the Region may adopt or continue in force any such law, rule, regulation, order, or standard with respect to any railroad in the Region.

(Pub. L. 93-236, title VII, § 711, as added Pub. L. 97-35, title XI, § 1143(a), Aug. 13, 1981, 95 Stat. 667; amended Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379.)

AMENDMENTS

1994—Pub. L. 103-272 struck out “, the National Railroad Passenger Corporation, or the Amtrak Commuter Services Corporation” before “to employ any”.

**§ 797k. Factfinding panel**

**(a) Purpose**

The Corporation shall enter into collective bargaining agreements with its employees which provide for the establishment of one or more advisory factfinding panels, chaired by a neutral expert in industrial relations, for purposes of recommending changes in operating practices and procedures which result in greater productivity to the maximum extent practicable.

**(b) National Mediation Board**

The National Mediation Board shall appoint public members to any panel established by an agreement entered into under this subparagraph, and shall perform such functions contained in the agreement as are consistent with the duties of such Board under the Railway Labor Act [45 U.S.C. 151 et seq.].

**(c) Other functions**

The factfinding panel may, before making its report to the parties, provide mediation, conciliation, and other assistance to the parties.

(Pub. L. 93-236, title VII, § 712, as added Pub. L. 97-35, title XI, § 1143(a), Aug. 13, 1981, 95 Stat. 668.)

REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (b), is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, which

is classified principally to chapter 8 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 151 of this title and Tables.

**§ 797l. Class II railroads receiving Federal assistance**

The Surface Transportation Board shall impose no labor protection conditions in approving an application under section 10902 of title 49 when the application involves a Class II rail carrier which—

(1) is headquartered in a State, and operates in at least one State, with a population of less than 1,000,000 persons, as determined by the 1990 census; and

(2) has, as of January 1, 1996, been a recipient of repayable Federal Railroad Administration assistance in excess of \$5,000,000.

(Pub. L. 93-236, title VII, § 713, as added Pub. L. 104-88, title III, § 327(5)(A), formerly § 327(5), Dec. 29, 1995, 109 Stat. 952, renumbered Pub. L. 104-287, § 6(f)(4)(B), Oct. 11, 1996, 110 Stat. 3399.)

PRIOR PROVISIONS

A prior section 797l, Pub. L. 93-236, title VII, § 713, as added Pub. L. 97-35, title XI, § 1143(a), Aug. 13, 1981, 95 Stat. 668, authorized appropriations to carry out activities for protection of employees of Consolidated Rail Corporation, prior to repeal by Pub. L. 99-509, title IV, § 4033(a)(2), Oct. 21, 1986, 100 Stat. 1908.

EFFECTIVE DATE

Section effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of Title 49, Transportation.

**§ 797m. Arbitration**

Any dispute or controversy with respect to the interpretation, application, or enforcement of the provisions of this subchapter, except sections 797b, 797c, 797g, and 797l<sup>1</sup> of this title, or section 1144 of the Northeast Rail Service Act of 1981, and except those matters subject to judicial review under section 1152 of the Northeast Rail Service Act of 1981 [45 U.S.C. 1105], which have not been resolved within 90 days, may be submitted by either party to an Adjustment Board for a final and binding decision thereon as provided in section 153 of this title, in which event the burden of proof on all issues so presented shall be on the Corporation, or the Association, where appropriate.

(Pub. L. 93-236, title VII, § 714, as added Pub. L. 97-35, title XI, § 1143(a), Aug. 13, 1981, 95 Stat. 668.)

REFERENCES IN TEXT

Section 797l of this title, referred to in text, was repealed by Pub. L. 99-509, title IV, § 4033(a)(2), Oct. 21, 1986, 100 Stat. 1908, and a new section 797l of this title was subsequently added by Pub. L. 104-88, § 327(5).

Section 1144 of the Northeast Rail Service Act of 1981, referred to in text, is section 1144 of Pub. L. 97-35, title XI, Aug. 13, 1981, 95 Stat. 669, which repealed subchapter V (§ 771 et seq.) of this chapter and sections 910 and 1006 of this title and enacted provisions set out as a note under section 771 of this title.

ABOLITION OF UNITED STATES RAILWAY ASSOCIATION AND  
TRANSFER OF FUNCTIONS AND SECURITIES

See section 1341 of this title.

<sup>1</sup> See References in Text note below.