

of Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies for services provided to Government in transporting the Army and mails.

Section 91, act Mar. 3, 1897, ch. 386, 29 Stat. 663, provided that provisions of section 90 of this title were extended and made applicable to Navy and Marine Corps transportation.

Section 92, act Mar. 3, 1901, ch. 831, §1, 31 Stat. 1023, authorized and directed Secretary of the Treasury to settle claims stemming from Government transportation over non-bond-aided lines.

**§ 92a. Repealed. Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641**

Section 92a, acts Feb. 14, 1933, ch. 51, 47 Stat. 800; Mar. 2, 1933, ch. 187, 47 Stat. 1424, related to compensation of certain railroads for transportation of property and troops of United States. See section 10721 of Title 49, Transportation.

Prior to repeal, section was classified to section 1375b of former Title 10, Army and Air Force.

**§ 93. Transferred**

CODIFICATION

Section, act Apr. 30, 1908, ch. 153, 35 Stat. 73, relating to transportation of Indian goods and supplies, was transferred to section 443b of Title 25, Indians, prior to editorial reclassification as a note under section 1457 of Title 43, Public Lands.

**§§ 94, 95. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 94, act Mar. 3, 1887, ch. 345, §4, 24 Stat. 491, authorized Secretary of the Treasury, whenever deemed necessary by President, to redeem liens, mortgages, or other incumbrances paramount to right, title, or interest of United States in railroad property.

Section 95, act Mar. 3, 1887, ch. 345, §5, 24 Stat. 492, related to permissible investments of sinking funds held to secure debts of railroad companies to United States.

**CHAPTER 6—MEDIATION, CONCILIATION, AND ARBITRATION IN CONTROVERSIES BETWEEN CARRIERS AND EMPLOYEES**

**§§ 101 to 125. Repealed. May 20, 1926, ch. 347, § 14, 44 Stat. 587**

Section 101, act July 15, 1913, ch. 6, §1, 38 Stat. 103, related to carriers and shipping affected by application of provisions of this chapter. See section 151 et seq. of this title.

Section 102, act July 15, 1913, ch. 6, §1, 38 Stat. 103, defined "railroad" and "transportation" as used throughout this chapter. See section 151 et seq. of this title.

Section 103, act July 15, 1913, ch. 6, §1, 38 Stat. 103, related to employees affected by application of provisions of this chapter. See section 151 et seq. of this title.

Section 104, act July 15, 1913, ch. 6, §1, 38 Stat. 103, defined "employer" and "employee" as used throughout this chapter. See section 151 et seq. of this title.

Section 105, act July 15, 1913, ch. 6, §2, 38 Stat. 104, related to submission of controversies to the Board of Mediation and Conciliation for adjustment. See section 151 et seq. of this title.

Section 106, act July 15, 1913, ch. 6, §2, 38 Stat. 104, related to proffer of services by board in public interest in urgent cases. See section 151 et seq. of this title.

Section 107, act July 15, 1913, ch. 6, §2, 38 Stat. 104, related to application of board's opinions as to meaning of agreement after mediation. See section 151 et seq. of this title.

Section 108, act July 15, 1913, ch. 6, §3, 38 Stat. 104, related to submission of controversies to board of arbitrators and selection of members. See section 151 et seq. of this title.

Section 109, act July 15, 1913, ch. 6, §4, 38 Stat. 105, related to requirements for a valid agreement to arbitrate under terms of this chapter. See section 151 et seq. of this title.

Section 110, act July 15, 1913, ch. 6, §5, 38 Stat. 106, related to authority of arbitrators for purposes of this chapter and arbitration hereunder. See section 151 et seq. of this title.

Section 111, act July 15, 1913, ch. 6, §6, 38 Stat. 106, related to acknowledgement and filing of an agreement of arbitration under this chapter. See section 151 et seq. of this title.

Section 112, act July 15, 1913, ch. 6, §6, 38 Stat. 106, related to written notification of appointment to be submitted to selected arbitrators. See section 151 et seq. of this title.

Section 113, act July 15, 1913, ch. 6, §6, 38 Stat. 106, related to notice to Board of Mediation and Conciliation by selected arbitrators. See section 151 et seq. of this title.

Section 114, act July 15, 1913, ch. 6, §6, 38 Stat. 106, related to reconvention of board of arbitration when desired by parties. See section 151 et seq. of this title.

Section 115, act July 15, 1913, ch. 6, §7, 38 Stat. 106, related to organization and procedure of board of arbitration under this chapter. See section 151 et seq. of this title.

Section 116, act July 15, 1913, ch. 6, §7, 38 Stat. 106, related to particular papers bearing on mediation or arbitration under former law. See section 151 et seq. of this title.

Section 117, act July 15, 1913, ch. 6, §8, 38 Stat. 107, related to time when an award under this chapter was to be operative. See section 151 et seq. of this title.

Section 118, act July 15, 1913, ch. 6, §8, 38 Stat. 107, related to procedure for appeal to former circuit court of appeals under this chapter. See section 151 et seq. of this title.

Section 119, act July 15, 1913, ch. 6, §8, 38 Stat. 107, related to finality of a determination of former circuit court of appeals. See section 151 et seq. of this title.

Section 120, act July 15, 1913, ch. 6, §8, 38 Stat. 107, related to judgment on exception to award and judgment by agreement. See section 151 et seq. of this title.

Section 121, act July 15, 1913, ch. 6, §8, 38 Stat. 107, related to compulsory labor under this chapter. See section 151 et seq. of this title.

Section 122, act July 15, 1913, ch. 6, §9, 38 Stat. 107, related to rights of employees under Federal court receivers. See section 151 et seq. of this title.

Section 123, acts July 15, 1913, ch. 6, §10, 38 Stat. 108; June 5, 1920, ch. 235, §1, 41 Stat. 886, related to pay and expenses of arbitrators. See section 151 et seq. of this title.

Section 124, act July 15, 1913, ch. 6, §11, 38 Stat. 108, related to constitution of United States Board of Mediation and Conciliation. See section 151 et seq. of this title.

Section 125, act July 15, 1913, ch. 6, §11, 38 Stat. 108, related to repeal of certain prior law.

**§ 126. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section, act Dec. 15, 1921, ch. 1, §1, 42 Stat. 328, abolished offices of Commissioner and Assistant Commissioner of Mediation and Conciliation.

**CHAPTER 7—ADJUSTMENT BOARDS AND LABOR BOARDS**

**§§ 131 to 146. Repealed. May 20, 1926, ch. 347, § 14, 44 Stat. 587**

Section 131, act Feb. 28, 1920, ch. 91, §300, 41 Stat. 469, defined terms for purposes of this chapter. See section 151 et seq. of this title.

Section 132, act Feb. 28, 1920, ch. 91, §301, 41 Stat. 469, related to disputes between carriers and their officers, agents, and employees. See section 151 et seq. of this title.

Section 133, act Feb. 28, 1920, ch. 91, §302, 41 Stat. 469, related to establishment of railroad boards of labor adjustment. See section 151 et seq. of this title.

Section 134, act Feb. 28, 1920, ch. 91, §303, 41 Stat. 469, related to duty of boards to hear and decide disputes. See section 151 et seq. of this title.

Section 135, act Feb. 28, 1920, ch. 91, §304, 41 Stat. 470, related to establishment and composition of Railroad Labor Board. See section 151 et seq. of this title.

Section 136, act Feb. 28, 1920, ch. 91, §305, 41 Stat. 470, related to selection of members of board by President. See section 151 et seq. of this title.

Section 137, act Feb. 28, 1920, ch. 91, §306, 41 Stat. 470, related to effect of subsequent ineligibility of certain members. See section 151 et seq. of this title.

Section 138, act Feb. 28, 1920, ch. 91, §306, 41 Stat. 470, related to terms of office, salary, and removal from office of board members. See section 151 et seq. of this title.

Section 139, act Feb. 28, 1920, ch. 91, §307, 41 Stat. 470, related to disputes within jurisdiction of board. See section 151 et seq. of this title.

Section 140, act Feb. 28, 1920, ch. 91, §308, 41 Stat. 472, related to certain powers and duties of board. See section 151 et seq. of this title.

Section 141, act Feb. 28, 1920, ch. 91, §309, 41 Stat. 472, related to right to hearing by a party in dispute. See section 151 et seq. of this title.

Section 142, act Feb. 28, 1920, ch. 91, §310, 41 Stat. 472, related to certain procedural powers of board. See section 151 et seq. of this title.

Section 143, act Feb. 28, 1920, ch. 91, §311, 41 Stat. 472, related to access to books, accounts, and records. See section 151 et seq. of this title.

Section 144, act Feb. 28, 1920, ch. 91, §313, 41 Stat. 473, related to determination of violations of decisions of board. See section 151 et seq. of this title.

Section 145, act Feb. 28, 1920, ch. 91, §314, 41 Stat. 473, related to appointment and salary of Secretary of Board. See section 151 et seq. of this title.

Section 146, act Feb. 28, 1920, ch. 91, §316, 41 Stat. 474, related to jurisdiction of adjustment or labor board as excluding mediation board. See section 151 et seq. of this title.

**CHAPTER 8—RAILWAY LABOR**

**SUBCHAPTER I—GENERAL PROVISIONS**

- Sec. 151. Definitions; short title.
- 151a. General purposes.
- 152. General duties.
- 153. National Railroad Adjustment Board.
- 154. National Mediation Board.
- 155. Functions of Mediation Board.
- 156. Procedure in changing rates of pay, rules, and working conditions.
- 157. Arbitration.
- 158. Agreement to arbitrate; form and contents; signatures and acknowledgment; revocation.
- 159. Award and judgment thereon; effect of chapter on individual employee.
- 159a. Special procedure for commuter service.
- 160. Emergency board.
- 160a. Rules and regulations.
- 161. Effect of partial invalidity of chapter.
- 162. Authorization of appropriations.
- 163. Repeal of prior legislation; exception.
- 164. Repealed.
- 165. Evaluation and audit of Mediation Board.

**SUBCHAPTER II—CARRIERS BY AIR**

- 181. Application of subchapter I to carriers by air.
- 182. Duties, penalties, benefits, and privileges of subchapter I applicable.
- 183. Disputes within jurisdiction of Mediation Board.
- 184. System, group, or regional boards of adjustment.

- Sec. 185. National Air Transport Adjustment Board.
- 186. Omitted.
- 187. Separability.
- 188. Authorization of appropriations.

**SUBCHAPTER I—GENERAL PROVISIONS**

**§ 151. Definitions; short title**

When used in this chapter and for the purposes of this chapter—

First. The term “carrier” includes any railroad subject to the jurisdiction of the Surface Transportation Board, any express company that would have been subject to subtitle IV of title 49, as of December 31, 1995,<sup>1</sup> and any company which is directly or indirectly owned or controlled by or under common control with any carrier by railroad and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation, receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, and handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the business of any such “carrier”: *Provided, however*, That the term “carrier” shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Surface Transportation Board is authorized and directed upon request of the Mediation Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term “carrier” shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to a carrier where delivery is not beyond the mine tippie, and the operation of equipment or facilities therefor, or in any of such activities.

Second. The term “Adjustment Board” means the National Railroad Adjustment Board created by this chapter.

Third. The term “Mediation Board” means the National Mediation Board created by this chapter.

Fourth. The term “commerce” means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation.

Fifth. The term “employee” as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an

<sup>1</sup> So in original.