

valid and incontestable in the hands of a holder of a guaranteed certificate except for fraud or material misrepresentation on the part of such holder.

(c) Enforcement by Attorney General of rights accruing to United States because of guarantee

The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States by reason of its having paid money or incurred expenses as a result of making such guarantees.

(Pub. L. 91-663, §5, Jan. 8, 1971, 84 Stat. 1976.)

Editorial Notes

CODIFICATION

In subsec. (a), “chapter 31 of title 31” and “that chapter” substituted for “the Second Liberty Bond Act, as amended” and “that Act, as amended,” respectively, on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 665. Utilization of services and facilities of Federal departments and agencies; reimbursement; consultation with Board; coordination of activities with Federal departments and agencies

(a) In carrying out the provisions of this chapter the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis, and shall consult with the Board in carrying out the provisions of this chapter.

(b) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this chapter.

(Pub. L. 91-663, §6, Jan. 8, 1971, 84 Stat. 1977; Pub. L. 104-88, title III, §325(3), Dec. 29, 1995, 109 Stat. 951.)

Editorial Notes

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-88 substituted “Board” for “Interstate Commerce Commission”.

Statutory Notes and Related Subsidiaries

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.

§ 666. Court supervision of expenditures; findings; report to Secretary

In addition to other duties prescribed by section 77 of the Bankruptcy Act, the court shall maintain supervision of the expenditure of funds obtained pursuant to section 662 of this title for the purpose of assuring that such funds are used solely for purposes set forth in subsection (b) of such section, shall make periodic findings regarding such expenditures, and shall report those findings to the Secretary.

(Pub. L. 91-663, §7, Jan. 8, 1971, 84 Stat. 1977.)

Editorial Notes

REFERENCES IN TEXT

Section 77 of the Bankruptcy Act, referred to in text, was classified to section 205 of former Title 11, Bankruptcy. The Bankruptcy Act (act July 1, 1898, ch. 541, 30 Stat. 544) was repealed effective Oct. 1, 1979, by Pub. L. 95-598, §§401(a), 402(a), Nov. 6, 1978, 92 Stat. 2682, section 101 of which enacted revised Title 11. For current provisions relating to railroad reorganization, see subchapter IV (§1161 et seq.) of chapter 11 of Title 11.

§ 667. Audit by Comptroller General; report to Congress

The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary effectively to audit financial transactions and operations carried out by the Secretary in the administration of this chapter. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

(Pub. L. 91-663, §8, Jan. 8, 1971, 84 Stat. 1977.)

§ 668. Guarantee fees; amount; deposit

The Secretary shall prescribe a guarantee fee in connection with each loan guaranteed under this chapter which shall be collected from the railroad upon repayment of the loan guaranteed. Such fee shall be in an amount that the Secretary estimates to be necessary to cover the administrative costs of carrying out the provisions of this chapter with respect to such loan. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 91-663, §9, Jan. 8, 1971, 84 Stat. 1978.)

§ 669. Repealed. Pub. L. 97-375, title I, §111(e), Dec. 21, 1982, 96 Stat. 1821

Section, Pub. L. 91-663, §10, Jan. 8, 1971, 84 Stat. 1978; Pub. L. 96-470, title I, §112(h), Oct. 19, 1980, 94 Stat. 2240, directed the Secretary to make a report to the President and Congress on financial condition of each railroad except Central Railroad Company of New Jersey and Penn Central Transportation Company, having a loan guaranteed under this chapter ninety days after the making of such guarantee and annually thereafter throughout existence of such loan.

CHAPTER 16—REGIONAL RAIL REORGANIZATION

SUBCHAPTER I—GENERAL PROVISIONS

- | | |
|------|--------------------------------------|
| Sec. | |
| 701. | Congressional declaration of policy. |
| 702. | Definitions. |

SUBCHAPTER II—UNITED STATES RAILWAY ASSOCIATION

- | | |
|-----------|--------------------------------|
| 711. | Formation and structure. |
| 712. | Functions of Association. |
| 713. | Access to information. |
| 714, 715. | Omitted or Repealed. |
| 716. | Final system plan. |
| 717. | Adoption of final system plan. |
| 718. | Review by Congress. |
| 719. | Judicial review. |
| 720. | Obligations of Association. |
| 721. | Loans. |

- Sec.
722. Records, audit, and examination.
723. Emergency assistance pending implementation.
724. Authorization of appropriations.
725. Interim agreements.
726. Debentures and series A preferred stock.
727. Additional purchases of Series A preferred stock.
728. Reports to Congress.
729. Advisory Board.

SUBCHAPTER III—CONSOLIDATED RAIL CORPORATION

741. Formation and structure.
742. Powers and duties of Corporation.
743. Valuation and conveyance of rail properties.
744. Termination and continuation of rail services.
744a. End of Conrail commuter service obligation.
745. Continuing reorganization; supplemental transactions.
746. Certificates of value.
747. Protection of Federal funds.
748. Abandonments.

SUBCHAPTER IV—TRANSFER OF FREIGHT SERVICES

761 to 769c. Repealed.

SUBCHAPTER V—EMPLOYEE PROTECTION

771 to 780. Repealed.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

791. Relationship to other laws.
792, 793. Repealed.
794. Tax payments to States.

SUBCHAPTER VII—PROTECTION OF EMPLOYEES

797. Repealed.
797a. Termination allowance.
797b. Preferential hiring.
797c. Central register of railroad employment.
797d. Election and treatment of benefits.
797e. Assignment of work.
797f. Contracting out.
797g. New collective-bargaining agreements.
797h. Employee and personal injury claims.
797i. Limitations on liability.
797j. Preemption.
797k. Factfinding panel.
797l. Class II railroads receiving Federal assistance.
797m. Arbitration.

SUBCHAPTER I—GENERAL PROVISIONS

§ 701. Congressional declaration of policy

(a) Findings

The Congress finds and declares that—

(1) Essential rail service in the midwest and northeast region of the United States is provided by railroads which are today insolvent and attempting to undergo reorganization under the Bankruptcy Act.

(2) This essential rail service is threatened with cessation or significant curtailment because of the inability of the trustees of such railroads to formulate acceptable plans for reorganization. This rail service is operated over rail properties which were acquired for a public use, but which have been permitted to deteriorate and now require extensive rehabilitation and modernization.

(3) The public convenience and necessity require adequate and efficient rail service in this region and throughout the Nation to meet the

needs of commerce, the national defense, the environment, and the service requirements of passengers, United States mail, shippers, States and their political subdivisions, and consumers.

(4) Continuation and improvement of essential rail service in this region is also necessary to preserve and maintain adequate national rail services and an efficient national rail transportation system.

(5) Rail service and rail transportation offer economic and environmental advantages with respect to land use, air pollution, noise levels, energy efficiency and conservation, resource allocation, safety, and cost per ton-mile of movement to such extent that the preservation and maintenance of adequate and efficient rail service is in the national interest.

(6) These needs cannot be met without substantial action by the Federal Government.

(b) Purposes

It is therefore declared to be the purpose of Congress in this chapter to provide for—

(1) the identification of a rail service system in the midwest and northeast region which is adequate to meet the needs and service requirements of this region and of the national rail transportation system;

(2) the reorganization of railroads in this region into an economically viable system capable of providing adequate and efficient rail service to the region;

(3) the establishment of the United States Railway Association, with enumerated powers and responsibilities;

(4) the establishment of the Consolidated Rail Corporation, with enumerated powers and responsibilities;

(5) assistance to States and local and regional transportation authorities for continuation of local rail services threatened with cessation; and

(6) necessary Federal financial assistance at the lowest possible cost to the general taxpayer.

(Pub. L. 93-236, title I, § 101, Jan. 2, 1974, 87 Stat. 986.)

Editorial Notes

REFERENCES IN TEXT

The Bankruptcy Act, referred to in subsec. (a)(1), is act July 1, 1898, ch. 541, 30 Stat. 544, which was classified generally to former Title 11, Bankruptcy. The Act was repealed effective Oct. 1, 1979, by Pub. L. 95-598, §§ 401(a), 402(a), Nov. 6, 1978, 92 Stat. 2682, section 101 of which enacted revised Title 11. For current provisions relating to railroad reorganization, see subchapter IV (§ 1161 et seq.) of chapter 11 of Title 11.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-565, § 1, Nov. 1, 1978, 92 Stat. 2397, provided: "That this Act [amending sections 726, 747, and 825 of this title and section 975 of Title 43, Public Lands, and enacting provision set out as a note under section 975 of Title 43] may be cited as the 'United States Railway Association Amendments Act of 1978'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-555, title II, § 201, Oct. 19, 1976, 90 Stat. 2616, provided that: "This title [amending sections 702, 711,