

AMENDMENT TO H.R. 2881
OFFERED BY MR. OBERSTAR OF MINNESOTA

After section 805 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

1 SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

2 (a) IN GENERAL.—Section 201 of the Railway Labor
3 Act (45 U.S.C. 181) is amended—

4 (1) by striking “All” and inserting “(a) IN
5 GENERAL.—All”;

6 (2) by inserting “and every express carrier”
7 after “common carrier by air”; and

8 (3) by adding at the end the following:

9 “(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

10 “(1) IN GENERAL.—An employee of an express
11 carrier shall be covered by this Act only if that em-
12 ployee is in a position that is eligible for certification
13 under part 61, 63, or 65 of title 14, Code of Federal
14 Regulations, and only if that employee performs du-
15 ties for the express carrier that are eligible for such
16 certification. All other employees of an express car-
17 rier shall be covered by the provisions of the Na-
18 tional Labor Relations Act (29 U.S.C. 151 et seq.).

1 “(2) AIR CARRIER STATUS.—Any person that is
2 an express carrier shall be governed by paragraph
3 (1) notwithstanding any finding that the person is
4 also a common carrier by air.

5 “(3) EXPRESS CARRIER DEFINED.—In this sec-
6 tion, the term ‘express carrier’ means any person (or
7 persons affiliated through common control or owner-
8 ship) whose primary business is the express ship-
9 ment of freight or packages through an integrated
10 network of air and surface transportation.”.

11 (b) CONFORMING AMENDMENT.—Section 1 of such
12 Act (45 U.S.C. 151) is amended in the first paragraph
13 by striking “, any express company that would have been
14 subject to subtitle IV of title 49, as of December 31,
15 1995,”.