

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3935
OFFERED BY MS. HOYLE OF OREGON**

At the end of title VIII, add the following:

1 **SEC. ____ . 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 the fol-
5 lowing:

6 “(a) IN GENERAL.—All”;

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

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

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

11 “(1) IN GENERAL.—An employee of an express
12 carrier shall be covered by this Act only if that em-
13 ployee is in a position that is eligible for certification
14 under part 61, 63, or 65 of title 14, Code of Federal
15 Regulations, and only if that employee performs du-
16 ties for the express carrier that are eligible for such
17 certification. All other employees of an express car-
18 rier shall be covered by the provisions of the Na-
19 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 the
12 Railway Labor Act (45 U.S.C. 151) is amended by strik-
13 ing “, any express company that would have been subject
14 to subtitle IV of title 49, United States Code, as of Decem-
15 ber 31, 1995,,”.

