SA 2158. Mr. ENSIGN (for himself and Mr. Vitter) proposed an amendment to amendment SA 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIO, Mr. ENZI, and Mr. BUCUS) to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2159. Mr. NELSON, of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2160. Mr. GRASSLEY (for himself, Mr. DORGAN, and Mr. Bond) proposed an amendment to the bill H.R. 3058, supra.

SA 2161. Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. REED) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2162. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2163. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2165. Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DWINE) proposed an amendment to the bill H.R. 3058, supra; which was ordered to lie on the table. * * *

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2167. Mr. LANDRIEU submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2169. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2170. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table. * * *

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVINS, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2174. Mr. BOND (for himself and Mrs. MURPHY) proposed an amendment to the bill H.R. 3058, supra.

SA 2175. Mr. BOND (for himself and Mrs. MURPHY) proposed an amendment to the bill H.R. 3058, supra.

SA 2176. Mr. BOND (for himself and Mrs. MURPHY) proposed an amendment to the bill H.R. 3058, supra.

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, supra.

SA 2179. Mr. BOND (for Mr. DURBIN (for himself and Mr. Obama)) proposed an amendment to the bill H.R. 3058, supra.

SA 2180. Mr. BOND (for Mrs. MURPHY) proposed an amendment to the bill H.R. 3058, supra.

SA 2181. Mr. STEVENS (for himself, Ms. MUKROWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2182. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2183. Mr. BOND (for Mr. FRIST (for himself, Mrs. Dole, and Mrs. BOXER)) proposed an amendment to the bill H.R. 3058, supra.

SA 2184. Mr. BOND (for Mrs. MURPHY) proposed an amendment to the bill H.R. 3058, supra.

SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2186. Mr. NELSON, of Florida (for himself and Mr. SMITH) proposed an amendment to the bill H.R. 3058, supra.

SA 2187. Mr. BOND (for Mr. LOFT (for himself and Mr. LAUTenberg)) proposed an amendment to the bill H.R. 3058, supra.

SA 2188. Mr. BOND (for Mr. LAUTenberg) proposed an amendment to the bill H.R. 3058, supra.

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DWINE)) proposed an amendment to the bill H.R. 3058, supra.

SA 2190. Mr. BOND (for Mr. COHEN) proposed an amendment to the bill H.R. 3058, supra.

SA 2191. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2192. Mr. BINGAMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2149. Ms. STARENOW proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 277, line 18, “strike activities;” and insert the following: “activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to impose certain requirements pertaining to governments and trade violations involving currency manipulation and other trade violations;”

SA 2150. Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows: At the appropriate place, insert the following:

Sec. 2. (a)(1) This section shall apply to an employee of the Federal Aviation Administration, or an employee of the Flight Services Unit following the outsourcing of flight services duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8336(d) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1)(A) Nothing in this section shall affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section;

(B) subject to section 208 of title 18, United States Code.

(c) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee so assigned.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section;

(B) subject to section 208 of title 18, United States Code.

(c) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee so assigned.

SA 2151. Mr. LOFT submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of
Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 9, strike the colon, and all through line 17 on page 252 and insert the following: 

DIVISION—AMTRAK

SECTION 1. SHORT TITLE.

This division may be cited as the “Passenger Rail Investment and Improvement Act of 2005”.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2006, $580,000,000.

(f) For fiscal year 2011, $1,231,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to bring the Northeast Corridor as defined in section 24102(a) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants to states under section 301 of this Act, the following amounts:

(1) For fiscal year 2006, $121,000,000.

(2) For fiscal year 2011, $2,311,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 301 of this Act, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2006.

(2) 2 percent for fiscal year 2007.

(3) 2 percent for fiscal year 2008.

(4) 2 percent for fiscal year 2009.

(5) 2 percent for fiscal year 2010.

(6) 2 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1/4 of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Federal Railroad Administration for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2006 through 2011.

SEC. 103. REIMBURSEMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the purchase of interest on loans for capital equipment, or capital leases, the following amounts:

(1) For fiscal year 2006, $148,100,000.

(2) For fiscal year 2007, $141,500,000.

(3) For fiscal year 2008, $133,800,000.

(4) For fiscal year 2009, $124,500,000.

(5) For fiscal year 2010, $113,900,000.

(6) For fiscal year 2011, $103,800,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(1) For fiscal year 2006, $14,800,000.

(2) For fiscal year 2007, $14,100,000.

(3) For fiscal year 2008, $13,300,000.

(4) For fiscal year 2009, $12,400,000.

(5) For fiscal year 2010, $11,300,000.

(6) For fiscal year 2011, $10,300,000.

SEC. 104. EXCESS RAILROAD RETIREMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(b) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not:

(1) Extend the extent of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) Change the private nature of Amtrak’s or its successors’ liabilities; or

(3) Imply any Federal guarantee or commitment to amortize Amtrak’s outstanding indebtedness.
(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been approved to permit operation of high-speed service;

(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as part of a system of the passenger Rail Investment and Improvement Act of 2005; and

(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

(i) Amtrak; or

(ii) another rail carrier that receives funds for the first time after 2004.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

1. In general.—Chapter 247 is amended by inserting after section 24701 the following:

`24702. Transportation requested by States, authorities, and other persons

(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.

(c) CONTRACTS IN AGENCY.—Amtrak shall make contracts in agency with the Secretary for the operation of any such route or service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

`Applies to Amtrak contracts in agency with the Secretary.'

(e) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24706 for any other provision of this title except section 24702(b).

SEC. 203. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—The Amtrak Board of Directors shall be composed of the following 9 directors, each of whom must be a citizen of the United States:

(A) The Secretary of Transportation.

(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

(C) 7 individuals appointed by the President of the United States, of whom must be a citizen of the United States:

(i) 3 individuals appointed by the President and designated by the Majority Leader of the Senate, and 3 by the Majority Leader of the House of Representatives, which appointments shall include, at a minimum:

1. the ability to effectively provide passenger train service;

2. the ability to promote general business and financial experience, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

3. a history of relevant experience, such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak’s ability to effectively manage its workforce, and Amtrak’s ability to efficiently manage its financial accounting and reporting system.

(b) EFFECTIVE DATE FOR DIRECTORS.—

(1) Section (b) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

(2) The bylaws of the Amtrak Board shall be consistent with this part and the articles of incorporation.

(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that the President may appoint an individual to fill a vacancy occurring before the end of the term of the individual whose successor is appointed.

(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak, the bylaws shall be consistent with this part and the articles of incorporation.

(f) EFFECTIVE DATE FOR DIRECTORS’ PROVISON.—The amendment made by subsection (a) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit to Congress, for each of the 5 years covered by the plan, a plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than the last day of the fiscal year beginning after the date of enactment of this Act; or

(b) The date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger operations which will allow projected ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak’s ability to efficiently manage its workforce, and Amtrak’s ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvements in any year in Amtrak’s ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 283 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorization of appropriations under title I of this division.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) In general.—The Inspector General of the Department of Transportation shall make an annual audit of Amtrak and shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, an audit covering Amtrak’s financial accounting and reporting system and the effectiveness of Amtrak’s financial planning, for the fiscal year covered by the audit, and an annual audit of Amtrak’s 5-year financial plans for the fiscal year covered by the audit and the subsequent 4 years.

(2) Time of submission.—Amtrak shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, an audit covering Amtrak’s financial accounting and reporting system and the effectiveness of Amtrak’s financial planning, for the fiscal year covered by the audit, and an annual audit of Amtrak’s 5-year financial plans for the fiscal year covered by the audit and the subsequent 4 years, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, no later than the last day of the fiscal year beginning after the date of enactment of an appropriation Act for the fiscal year, if later.

(3) Contents of report.—The report required by paragraph (2) shall include information on—

(A) the accuracy and completeness of Amtrak’s financial accounting and reporting system; and

(B) the sufficiency of the financial information and data produced by the system and practices, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(4) Time of dissemination.—The Inspector General of the Department of Transportation shall make an annual audit of Amtrak and shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, an audit covering Amtrak’s financial accounting and reporting system and the effectiveness of Amtrak’s financial planning, for the fiscal year covered by the audit, and an annual audit of Amtrak’s 5-year financial plans for the fiscal year covered by the audit and the subsequent 4 years, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, no later than the last day of the fiscal year beginning after the date of enactment of an appropriation Act for the fiscal year, if later.

(5) Contents of report.—The report required by paragraph (2) shall include information on—

(A) the accuracy and completeness of Amtrak’s financial accounting and reporting system; and

(B) the sufficiency of the financial information and data produced by the system and practices, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.
(2) ASSUMPTION TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation:

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) Amtrak—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 120 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REVIEW AND APPROVAL.

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which it is submitted. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall provide reasonable notice and identify in writing the deficiencies or items of concern to the State or States in question or the congressional delegation, and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Amtrak Board, shall: (1) determine whether the provision of like services of all States and the District of Columbia in which the States and the District of Columbia are required to bear the full implementation of this methodology with regards to the provision of service within 1 year after the Board’s determination of the appropriate methodology, and (c) use of Chapter 244 Funds.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in this chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGY FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall establish the services of an independent author or consultant to develop and recommend objective methodologies for determining intercity passenger rail routes. The methodologies shall include an assessment of the annual budget, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity train operations, including the performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak’s and other major intercity passenger rail operators in other countries’ methodologies for determining intercity passenger rail routes; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a), the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, railroads, and States, establish: (1) the requirements for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and (b) Sections 101(a) and 103 of title 49, United States Code, Amtrak trains operate, States, and Amtrak employees, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of available and fully allocated operating costs covered by passenger revenues, on-board passenger occupancy, and on-time performance and delays incurred by intercity trains on the rail lines of each rail carrier. Long distances of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administrator to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity train operations, including cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (b) into their access and service agreements.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 23908 is amended by striking at the end of such section the last full paragraph and adding the following:—

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation.

(b) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a), the Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this division, to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.
“(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier’s failure to provide preference to Amtrak over freight transportation under subsection (c), then the Board shall enforce its recommendations for relief under subsection (a).

“(3) PENALTIES.—

“(A) IN GENERAL.—The Board shall publish a schedule of penalties which will—

“(I) extend to the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

“(II) on its own motion or upon a complaint made in person, in writing, or by telephone, require any rail carrier to provide and maintain a hearing with respect to that determination; and

“(B) may order any rail carrier to provide relief consistent with the staffing plan submitted by Amtrak or a State contracting with Amtrak, as applicable, for capital or operating expenditures on such routes.

“(4) USE.—The Board shall make any amounts received as penalties under this paragraph available to Amtrak or a State contractor for maintenance and improvement of passenger rail routes.

“(5) CHANGE OF REFERENCE.—In general, the Board may change the reference to Amtrak as belonging to the best performing routes for 2006 and identify each long distance passenger rail route operated by Amtrak; and

“(6) APPEALS.—The Board may appeal its decision and execute a contract within a specified time period.

“(B) by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”;

“(C) by striking “Commission” each place it appears and inserting “Board”;

“(D) by striking “Secretary” the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting “Board”.

“SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

“(a) IN GENERAL.—Chapter 247, as amended by adding at the end thereof the following:

“$24710. Long distance routes

“(a) ANNUAL EVALUATION.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

“(b) CONFIRMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

“Section 24710. Long distance routes

“(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

“(1) evaluate annually the performance of each long distance passenger rail route operated by Amtrak; and

“(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second performing third of such routes, or the worst performing third of such routes.

“(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop a performance improvement plan for its long distance passenger rail routes based on the data collected through the application of the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

“(1) evaluate annually the performance of each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second performing third of such routes, or the worst performing third of such routes;

“(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

“(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would find, any Federal or non-Federal assistance, and other elements of the plan; and

“(4) the Administration would make a decision and execute a contract within a specified, limited time, contingent upon the granting of a contract.

“(A) the Administration, in collaboration with the Surface Transportation Board and the Federal Railroad Administration, shall manage the process of providing passenger rail service over a route to which a petition relates;

“(B) the Administration would enter into a contract with an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar entities or classes of employees of the Federal Government, necessary to carry out the purposes of this section;

“(C) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this subpart and employees of any person used by an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar entities or classes of employees of the Federal Government under section 121 of the Amtrak Reorganization and Accountability Act of 1997 relating to employees that provide food and beverage service; and

“(D) any action allowed under this section, the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available to the winning bidder to the public after the bid award.

“(B) I N T H E INTEREST OF—The Administration may make the program available with respect to not more than 1 rail carrier passenger rail route for operations beginning in fiscal year 2008 or no more than 2 such routes for operations beginning in fiscal year 2010 and subsequent fiscal years.

“(C) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under this section, the Administration may establish:

“(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route in conditions the operating and subsidy rights upon,

“(A) the service provider continuing to provide passenger rail service on the route the contract includes no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

“(B) the service provider’s compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish.

“(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 213 of that Act, necessary to carry out the purposes of this section;

“(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this subpart and employees of any person used by an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar entities or classes of employees of the Federal Government under section 121 of the Amtrak Reorganization and Accountability Act of 1997 relating to employees that provide food and beverage service; and

“(4) the winning bidder would provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

“(D) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a contract under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the imposition of an interim fee on the re-bidding of the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 201(5) of this title.

“(E) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the

“SEC. 212. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

“(a) IN GENERAL.—Chapter 247, as amended by section 208, is amended by adding at the end thereof the following:

“$24711. Alternate passenger rail service program

“(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Federal Railroad Administration shall notify Amtrak of operations that conditions the operating and subsidy rights upon,

“(A) the service provider continuing to provide passenger rail service on the route the contract includes no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

“(B) the service provider’s compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish.

“(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 213 of that Act, necessary to carry out the purposes of this section;

“(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this subpart and employees of any person used by an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar entities or classes of employees of the Federal Government under section 121 of the Amtrak Reorganization and Accountability Act of 1997 relating to employees that provide food and beverage service; and

“(4) the winning bidder would provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

“SEC. 213. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

“(a) IN GENERAL.—Chapter 247, as amended by section 208, is amended by adding at the end thereof the following:

“$24712. Alternat
Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

"24711. Alternating passenger rail service program."

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the omission of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall make grants to the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, to another position within the Corporation in accordance with any contractual agreements;

(2) the termination and assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives; and

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as are necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under section 2(a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act to terminate or to provide financial incentives to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) In General.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2011, consistent with the funding levels authorized in this division and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—(1) The Corporation shall submit the capital spending plan to the Secretary for review and approval pursuant to the procedures developed under section 235 of this Act.

(2) The Secretary shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the Commission established under section 2905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan approved by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak’s request for financial incentives under subsection (a) to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan approved by the Secretary.

(5) The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Program.

(i) Northease corridor infrastructure and operations advisory commission.—(1) Within 180 days after the date of enactment of the Rail Investment and Improvement Act of 2005, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the "Commission") to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of members representing the National Railroad Passenger Corporation; the Federal Railroad Administration; (A) members representing the railroads that constitute the Northeast Corridor as defined in section 24102, designated by and, serving at the pleasure of, the chief executive officer thereof; and

(B) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

(2) The Commission shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission’s membership.

(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times annually and shall review and approve such procedures developed under this section.

(4) A vacancy in the Commission shall be filled in a manner in which the original appointment was made.

(5) Members shall serve without pay but shall receive travel expenses, including per diem allowances, to the extent authorized in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) The Chairman of the Commission shall be elected by the members.

(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(8) Upon request of the Commission, the head of any department or agency of the United States may reimburse the Commission, or any of the personnel of the department or agency to the Commission to assist it in carrying out its duties under this section.

(b) CONFORMING AMENDMENT.—The Commission shall develop recommendations concerning northeast corridor rail infrastructure and operations including proposals addressing, as appropriate—

(1) short-term and long term capital investments needed to achieve the state-of-good-repair under section 212;

(2) future funding requirements for capital improvements and maintenance;

(3) provisions for cost allocations for intercity passenger rail, commuter rail, and freight rail services;

(4) authorities for additional non-rail uses of the Northeast Corridor;

(5) scheduling and dispatching;

(6) safety and security enhancements;

(7) equipment design;

(8) marketing of rail services; and

(9) future capacity requirements.

(c) ACCESS COSTS.—(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak’s new financial accounting system pursuant to section 235(b) of the Passenger Rail Investment and Improvement Act of 2005, the Commission shall—

(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for northeast corridor commuter rail passenger transportation, as defined in section 2102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that—

(i) there is no cross-subsidization of commuter passenger, intercity rail passenger, or freight rail transportation; and

(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than one service;

(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of this Act;

(C) transmit the proposed timetable to the Surface Transportation Board; and

(D) at the party’s request, petition the Surface Transportation Board to appoint a mediator to assist the parties through non-binding mediation to reach an agreement under this section.

(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities shall develop rules and procedures for rail passenger transportation on the northeast corridor to implement new agreements for usage of facilities or services based on the formula established under this section.

(3) TRANSPORTATION FACILITIES USUAGES.—The National Railroad Passenger Corporation may detail, on a reimbursable basis, use of transportation facilities and services necessary for the Commission to carry out its responsibilities under this section.

(4) USES OF THE NORTHEAST CORRIDOR.—The Secretary of Transportation shall address, as appropriate

(5) equipment design;

(6) marketing of rail services; and

(7) future capacity requirements.

(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning northeast corridor rail infrastructure and operations including proposals addressing, as appropriate—

(1) short-term and long term capital in

(2) future funding requirements for capital improvements and maintenance;

(3) provisions for cost allocations for intercity passenger rail, commuter rail, and freight rail services;

(4) authorities for additional non-rail uses of the Northeast Corridor;

(5) scheduling and dispatching;

(6) safety and security enhancements;

(7) equipment design;

(8) marketing of rail services; and

(9) future capacity requirements.
(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(b) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by June 1, 2007—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS BY EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12111(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by June 1, 2007, consistent with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to operate services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24102 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State or any entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak’s other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation to Amtrak for the use of the facilities and equipment.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.—

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 241(b) and

(B) by striking the last sentence of section 241(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (d) and

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 621(b) and 625(b)) for each of fiscal years 2006 through 2011.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after enactment and standardization, under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service established in that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure and the National Council on Disability by September 30, 2007, containing recommendations for funding the necessary improvements.
§24310. Management accountability

“(a) IN GENERAL.—Three years after the date of enactment of the乘客铁路投资和改进法案 of 2005，and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

“(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

“(1) effectiveness improving annual financial planning;

“(2) effectiveness in implementing improved improved performance measures for:

“(3) efforts to implement minimum train performance standards;

“(4) progress maximizing revenues and minimizing Federal subsidies; and

“(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24509 the following:

“§24310. Management accountability.”
specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall be for the accomplishment of the project, and no contingency commitment shall be made in an amount that is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws enacted after the time of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time is necessary for grants awarded under this section to provide grants to States—

(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of the project (as determined by the Secretary) in the judgment of the Secretary, for the purpose of funding transportation-related capital projects.

§24403. Project management oversight

(a) Project management plan requirements.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary. The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, staffing, management, procurement, capital projects, job descriptions, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, facility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may require to carry out the agreement.

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(2) the recipient’s commitment to submit a project budget and project schedule to the Secretary each month.

(3) ACCREDITATION.—

(a) IN GENERAL.—Each recipient shall submit a written report to the Secretary on an annual basis indicating the percentage of the total amount of funds made available to the recipient under this subchapter that is expended on activities that are reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(b) REPORTING.—The Secretary shall establish a uniform reporting form for recipients to use for reporting such information.

§24406. Universal service obligations

(a) IN GENERAL.—

(1) The Secretary shall provide a level of service within the United States that is reasonably necessary for the provision of safe and efficient passenger and freight rail transportation.

(2) For purposes of this section, the term ‘level of service’ means the service and facilities that are necessary to ensure the availability of safe and efficient passenger and freight rail transportation.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.

§24407. Federal financial assistance

(a) DEGRADATION.—

(1) The Secretary may provide financial assistance to recipients for the purposes of providing safe and efficient passenger and freight rail transportation.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.

§24408. Access to sites and records

(a) IN GENERAL.—

(1) The Secretary shall provide access to sites and records of recipients, including any information, records, or other materials in the possession or control of a recipient, to the Secretary and any other person, as the Secretary determines, to facilitate the purposes of this Act.

(2) The Secretary may not require access to any sites or records if it would impair the confidentiality or integrity of any information, records, or other materials.

§24409. Federal financial assistance

(a) IN GENERAL.—

(1) The Secretary shall provide federal financial assistance to recipients for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of financial assistance provided by paragraph (1) to reflect changes in the circumstances of the recipient.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.

§24410. Access to sites and records

(a) IN GENERAL.—

(1) The Secretary shall provide access to sites and records of recipients, including any information, records, or other materials in the possession or control of a recipient, to the Secretary and any other person, as the Secretary determines, to facilitate the purposes of this Act.

(2) The Secretary may not require access to any sites or records if it would impair the confidentiality or integrity of any information, records, or other materials.

§24411. Federal financial assistance

(a) IN GENERAL.—

(1) The Secretary shall provide federal financial assistance to recipients for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of financial assistance provided by paragraph (1) to reflect changes in the circumstances of the recipient.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.

§24412. Access to sites and records

(a) IN GENERAL.—

(1) The Secretary shall provide access to sites and records of recipients, including any information, records, or other materials in the possession or control of a recipient, to the Secretary and any other person, as the Secretary determines, to facilitate the purposes of this Act.

(2) The Secretary may not require access to any sites or records if it would impair the confidentiality or integrity of any information, records, or other materials.

§24413. Federal financial assistance

(a) IN GENERAL.—

(1) The Secretary shall provide federal financial assistance to recipients for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of financial assistance provided by paragraph (1) to reflect changes in the circumstances of the recipient.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.

§24414. Access to sites and records

(a) IN GENERAL.—

(1) The Secretary shall provide access to sites and records of recipients, including any information, records, or other materials in the possession or control of a recipient, to the Secretary and any other person, as the Secretary determines, to facilitate the purposes of this Act.

(2) The Secretary may not require access to any sites or records if it would impair the confidentiality or integrity of any information, records, or other materials.

§24415. Federal financial assistance

(a) IN GENERAL.—

(1) The Secretary shall provide federal financial assistance to recipients for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of financial assistance provided by paragraph (1) to reflect changes in the circumstances of the recipient.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.

§24416. Access to sites and records

(a) IN GENERAL.—

(1) The Secretary shall provide access to sites and records of recipients, including any information, records, or other materials in the possession or control of a recipient, to the Secretary and any other person, as the Secretary determines, to facilitate the purposes of this Act.

(2) The Secretary may not require access to any sites or records if it would impair the confidentiality or integrity of any information, records, or other materials.

§24417. Federal financial assistance

(a) IN GENERAL.—

(1) The Secretary shall provide federal financial assistance to recipients for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of financial assistance provided by paragraph (1) to reflect changes in the circumstances of the recipient.

(b) REQUIREMENTS.—

(1) The Secretary shall require each recipient to provide such level of service as the Secretary determines to be reasonably necessary for the purposes of providing safe and efficient passenger and freight rail transportation.

(2) The Secretary may adjust the level of service required by paragraph (1) to reflect changes in the circumstances of the recipient.
SEC. 302. STATE RAIL PLANS.

(a) In General.—Part B of subtitle V is amended by adding at the end the following:

"Chapter 225. State Rail Plans and High Priority Projects"

1. Definitions

- "Interstate passenger rail service capital assistance" (24401)
- "High-speed passenger rail service capital assistance" (24401)

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT

(a) In General.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) Functions.—The Committee may—
(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;
(2) establish a pool of equipment to be used on corridor routes funded by participating States; and
(3) subject to agreements between Amtrak and States, and the public concerning rail development;
(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee’s actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.
(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—
(1) by inserting “IN GENERAL.—” before “The Federal rail policy” in paragraph (a);
(2) by striking the second and third sentences of subsection (a);
(3) by inserting “ADMINISTRATOR.—” before “The rail policy” in subsection (b);
(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following:
(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.;
(5) by inserting “POWERS AND DUTIES.—” before “The rail policy” in subsection (d), as redesignated;
(6) by striking “and” after the semicolon in paragraph (1) of subsection (d), as redesignated;
(7) by redesignating paragraph (2) of subsection (d), as redesignated, paragraph (3) and inserting after paragraph (1) the following:
(2) the duties and powers related to railroad safety administration and development under subsection (e); and;
(8) by inserting “TRANSFERS OF DUTY.—” before “A duty” in subsection (e), as redesignated;
(9) by inserting “CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—” before “Subject” in subsection (f);
(10) by striking the last sentence in subsection (f), as redesignated; and
(11) by adding at the end following: “(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—
“(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;
“(2) develop a long range national rail plan that is consistent with approved State rail plans, the National Rail Plan, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of passengers and freight;
“(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005;
“(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;
“(5) support rail intermodal development and high-speed rail development, including high-speed rail service connected to or integrated with non-high-speed rail transportation;
“(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and
“(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and non-federal agencies and authorities in the efficient and safe intermodal integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.
(1) PERFORMANCE GOALS AND REPORTS.—
“(1) PERFORMANCE GOALS AND REPORTS.—
“(i) In general.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.
“(ii) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff needed to accomplish each goal and the additional duties required under section 103(e).
“(3) SUBMISSION WITH PRESIDENT’S BUDGET.—Beginning with fiscal year 2007 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President’s budget submission, the Administration’s performance schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:
“24910. Rail cooperative research program
“(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program.
“(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and increasement of enhanced rail systems and infrastructure, and new highspeed wheel-on-rail systems and rail security;
“(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase the reliability and availability of rail service for seasonal freight needs;
“(3) consider research on the interconnectivity of commuter rail, passenger rail, freight rail, and other rail networks; and
“(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs concerning high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.
“(b) CONTENT.—The program to be carried out under this section shall include research designed—
“(1) to identify the unique aspects and attributes of the rail passenger and freight service;
“(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption; and
“(3) to develop a better understanding of market choices as it affects rail passenger and freight transportation, including development of better models to predict utilization;
“(4) to recommend priorities for technology demonstration and application on a regional basis; and
“(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;
“(6) to explore improvements in management, financing, and institutional structures;
“(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations; and
“(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service.
“(b) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—
“(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.
“(2) MEMBERSHIP.—The advisory board shall include—
“(A) representatives of State transportation agencies;“
“(B) transportation and environmental economists, scientists, and engineers; and
“(C) representatives of Amtrak, the Alaska Railroad, freight rail carriers, transit operating agencies, intercity passenger agencies, Amtrak, and railway labor organizations, and environmental organizations.
“(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out research activities relating to research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.
“(b) CEREBRAL AMENDMENT.—The chapter of title 249 is amended by adding at the end the following:
“24910. Rail cooperative research program"

TITLE IV—PASSENGER RAIL SECURITY AND INCIDENT RESPONSE

SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Administrator of Homeland Security, in consultation with the Secretary of Transportation, is authorized to make grants to Amtrak to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;
(2) to secure Amtrak trains;
(3) to secure Amtrak stations;
(4) to obtain a watch list identification system approved by the Secretary;
(5) to develop tracking and interoperable communications systems that are coordinated to the maximum extent possible;
(6) to provide police and security officers, including canine units;
(7) to expand emergency preparedness efforts; and
(8) for employee security training.  

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(A) $63,500,000 for fiscal year 2006;
(B) $30,000,000 for fiscal year 2007; and
(C) $30,000,000 for fiscal year 2008.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) FIRE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements affecting the safety, security, ventilation, communications, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2005;
(B) $190,000,000 for fiscal year 2006;
(C) $190,000,000 for fiscal year 2007;
(D) $19,000,000 for fiscal year 2008;
(E) $19,000,000 for fiscal year 2009; and
(F) $19,000,000 for fiscal year 2010.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2005 to carry out this section—

(A) $3,000,000 for the construction of the Laurel-Leaveland Tunneling Project;
(B) $3,000,000 for the Fiscal Year 2006.

(c) Discretionary Authority.—The Secretary, in the exercise of his discretion, may allocate amounts made available pursuant to this section among projects and use such amounts for the construction, maintenance, operation, or improvement of any tunnel or other facilities.

(d) Availability of Appropriated Funds.—Amounts made available pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary may not make funds available to Amtrak for obligation or expenditure under subsection (a) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(f) Review of Plans.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (d) on or before the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary’s notification, submit a modified plan for the Secretary’s review. Within 15 days after receiving any additional information on items previously included in the plan, and within 45 days after receiving any newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall, in writing to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Science, the Secretary shall, in writing to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure, the Secretary shall, in writing, request and obtain the necessary information to make a determination as to whether to approve the plan.

SEC. 403. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following—

"§24316. Plans to address needs of families of passengers involved in rail passenger accidents.

(1) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall submit to the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

(2) CONTENTS OF PLAN.—The plan to be submitted by Amtrak under subsection (a) shall include the following:

(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with Amtrak notifying the families of passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard the train involved in the accident.

(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for Amtrak to handle calls from the families of the passengers.

(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

(4) A process for providing the notice described in paragraph (3) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak’s control; and that any possession of the passenger within Amtrak’s control will be returned to the family unless the possession is needed for an accident investigation.

(6) A process by which the family of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the requirements of this section and family members following an accident.

(b) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (a)(5) until the family of each passenger has been notified in writing that the information is available and the family is given a reasonable opportunity to review the information.

(c) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in providing or in failing to provide information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (a), unless such liability is caused by the loss of life in a Federal or State court arising out of the performance of Amtrak in providing or in failing to provide information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (a), unless such liability is caused by the loss of life resulting from the performance of any act of Amtrak.

(d) PLAN PENDING.—Amtrak’s plan pending the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Transportation and the Secretary of Homeland Security, shall continue to be in effect.

SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure on the extent to which Amtrak is addressing the needs of passengers involved in rail passenger accidents and the actions Amtrak has taken to ensure the safety of passengers on Amtrak’s intercity trains.
Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide pre-clearance of all passengers traveling between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

(3) information on progress by the Department of Homeland Security and other Federal agencies in finalizing a bilateral protocol with Canada that would provide for pre-clearance of passengers on trains operating between the United States and Canada;

(4) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-clearance of passengers traveling between the United States and Canada to the Department of Homeland Security;

(5) a description of the position of the Government of Canada and relevant Canadian agencies with respect to pre-clearance of such passengers;

(6) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists for rail passengers traveling between the United States and Canada as the Department of Homeland Security; and

(7) an analysis of the feasibility of reinstating United States Customs and Border Protection‘‘s All-Terrain Vehicles on board international Amtrak trains.

SEC. 405. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT OF STUDY AND REPORT.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security and the Department of Transportation; and

(2) report the results of the study, together with any recommendations that the Secretary and the Department of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to the Secretary of Homeland Security $1,000,000 for fiscal year 2006 to carry out this section.

TITLE V—RAIL BOND AUTHORITY

SEC. 501. INTERCITY RAIL FACILITY BONDS.

(a) In General.—Chapter 261 is amended by adding at the end the following:

"Sec. 26106. Rail infrastructure bonds

(1) DESIGNATION.—The Secretary may designate bonds for purposes of section 54A of the Internal Revenue Code of 1986 if—

(A) a State or local government, or a public or governmental railroad transportation entity, may issue such bonds and the Secretary determines that the projects are part of a viable and comprehensive program for the acquisition, financing, or refinancing of railroad transportation projects that are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 265 (except for bonds issued under paragraph (1)(D)); and

(B) the projects are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 265 (except for bonds issued under paragraph (1)(D)); and

(C) for a railroad passenger transportation corridor not operated by Amtrak that includes the use of rights-of-way owned by a freight railroad, a written agreement exists between the applicant and the freight railroad regarding such use and ownership, including compensation for such use and assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations, and including an assurance by the freight railroad that collective bargaining agreements with the freight railroad’s employees (including the contracting for work) shall remain in full force and effect according to their terms for work performed by the freight railroad on such railroad passenger transportation corridor.

(b) PROJECT SELECTION CRITERIA.—The Secretary shall give preference to the designation under this section of bonds for projects selected using the criteria in chapter 244.

(c) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall grant or deny a request for new projects within 9 months after receipt of an application.

(d) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) (other than bonds issued after the date of the enactment of this Act) may be refinanced only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by—

(1) after the date of the enactment of this section;

(2) for a term of not more than 3 years;

(3) to finance projects described in subsection (a)(2); and

(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a).

(e) APPLICATION OF CONDITIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after the date of the enactment of this section and that uses property acquired pursuant to this section (except as provided in subsection (a)(2)(B)) shall be subject to the conditions under section 2405.

(f) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall issue regulations for carrying out this section.

(g) SECTION 54A BOND DEFINED.—In this section, the term ‘section 54A bond’ means a bond designated by the Secretary under subsection (a) for purposes of section 54A of the Internal Revenue Code of 1986 (relating to credit to holders of qualified rail infrastructure bonds).

SEC. 502. CONGRESSIONAL AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

‘‘26106. Rail infrastructure bonds.’’

SA 2152. Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3038, making appropriations for the Department of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 261. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person to import into the United States or any manufacturer or wholesale distributor to distribute in commerce any new assembled or unassembled ATVs unless—

(1) with respect to an ATV designed for use by a single operator only, such ATV complies with any applicable provision of the American National Standard for Four Wheel All-Terrain Vehicles—Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2001) or any applicable provision of a regulation of such Standard; or

(B) with respect to such an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of an American National Standard developed for such vehicles.

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C)(1) was submitted to the Commission and implemented prior to September 23, 2005; or

(2) is approved by the Commission and is submitted to the Secretary of Transportation, who may approve the import into the United States or the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term ‘ATV’ means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype or a motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, IMPORT, UNITED

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not later than December 31, 2015, public-use airports shall improve their runway safety areas to comply with the Federal Aviation Administration design standards.”.

**SA 2156. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:**

- **On page 276, after line 24, add the following:**

**SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.**

None of the funds made available in this Act shall be used by the Department of Housing and Urban Development for programs and activities not in compliance with section 2 of the Improper Payments Information Act of 2002 (P.L. 107-300), including any programs under the community development block grant program under title I of the Housing and Community Development Act of 1992 (42 U.S.C. 5301 et seq.).

**SA 2158. Mr. ENSIGN (for himself and Mr. VITTER) proposed an amendment to amendment S. 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. KUNZ, and Mr. Baucus) to the bill H.R. 3056, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:**

Strike all after the first word and insert the following:

- **(a) SHORT TITLE.—This section may be cited as the “Child Custody Protection Act”.**

- **(b) TRANSPORTATION OF MINORS IN CIRCUMCISION OF CERTAIN LAWS RELATING TO ABORTION.**

**SEC. 2431. Transportation of minors in circumvention of certain laws relating to abortion.**

**(a) OFFENSE.—**

**(1) **Generally.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

**(2) **DEFINITION.—For the purposes of this section, an abridgment of the right of a parent if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

**(b) EXCEPTIONS.—**

**(1) **The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical illness, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

**(2) **A minor transported in violation of this section, and any parent of the minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

**(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the parental consent or notification, judicial authorization took place that would have been
required by the law requiring parental involvement in a minor’s abortion decision, had the abortion been performed in the State where the minor resides.

“(...) any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

(e) Definitions.—For the purposes of this section—

“(1) a ‘law requiring parental involvement in a minor’s abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either parent who is not older than the maximum age required by the law requiring parental involvement in a minor’s abortion decision; and

“(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

“(C) the term parent includes the District of Columbia and any commonwealth, possession, or other territory of the United States;

“(2) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in a minor’s abortion decision as a person to whom notification, or from whom consent, is required;

“(3) the term ‘minor’ means an individual who is not older than the maximum age required by the law requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor’s abortion decision; and

“(4) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States.”

(2) Clerical Amendment.—The table of chapters for part I of title IB, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

“117A. Transportation of minors in circumvention of certain laws relating to abortion ......... 2431”.

SA 2159. Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, the following:

“SEC. 1. DISTRICT JUDGESHIP FOR THE DISTRICT OF NEBRASKA.

(a) In General.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Nebraska.

(b) Technical and Conforming Amendments.—The table under section 11 of title 28, United States Code, is amended by striking the item relating to Nebraska and inserting the following:

“Nebraska ....................................... 1”.

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

“SEC. 1. Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) (as amended by section 103 of the Energy Policy Act of 2005 (Public Law 109-58)) is amended by adding at the end the following:

“(c) Reduction of Employee Vehicle Fuel Consumption by Certain Federal Agencies.—

“(1) Definition of affected agency.—In this subsection, the term ‘affected agency’ means—
(A) the Department of Transportation;
(B) the Department of the Treasury;
(C) the Department of Housing and Urban Development; and
(D) any agency of the judicial branch of the Federal Government.

(2) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION.—Each affected agency shall take such actions as are necessary to reduce the level of fuel consumed by vehicles of employees of the affected agency (other than fuel used for military purposes), in connection with the employment of the employees, by (to the maximum extent practicable) at least 10 percent during the 1-year period beginning on the date of enactment of this subsection.

(3) METHODS.—An affected agency may use such methods as the agency determines are appropriate to achieve the target established by paragraph (2), including—

(A) telework;
(B) carpooling;
(C) bicycling and walking to work;
(D) fuel-efficient trip planning;
(E) public transportation use; and
(F) limiting travel days for vehicle travel outside the office.

(4) MEASUREMENT.—An affected agency may use such measures as the affected agency determines are appropriate to determine whether the agency has achieved the target established by paragraph (2), including certification of the methods described in paragraph (3).

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, as follows:

At the appropriate place, add the following: Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking “for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska” and inserting “for the construction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana;”
(2) by striking paragraph (B); and
(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) in item number 406—
   (A) by striking “AK” and inserting “LA;” and
   (B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana;”

(2) in item number 2465—
   (A) by striking “AK” and inserting “LA;” and
   (B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana;”

(c) (1) in item number 3677—
   (A) by striking “AK” and inserting “LA;” and
   (B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana;”

(2) In item number 3677—
   (A) by striking “AK” and inserting “LA;” and
   (B) by striking “Easywork Roadway construction Gravina Access Project” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana;” and

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) by striking “AK” and inserting “LA;” and

(2) by striking “Improvements to the Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana;”

(e) Sections 1010 and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or
(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. HOME MORTGAGE PROTECTION REFINANCING PROGRAM.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Home Mortgage Protection Refinancing Loan Fund (hereafter referred to in this section as the “Fund”) to carry out the lending and guarantee functions authorized under this section.

(b) CAPITAL.—Except as provided under subsection (j), the capital of the Fund shall remain available until expended.

(c) AMOUNTS IN THE FUND; SCOPE, AND PURPOSES; CONDITIONS; INTEREST RATE; REPAYMENT.—

(1) LOANS AUTHORIZED.—The Secretary is authorized to make or guarantee loans, either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis, to eligible financial institutions, for the purposes described in subsection (e).

(2) CONDITIONS.—No loans, guarantees, or other financial assistance shall be provided under this section unless the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan;

(B) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

(C) the amount of the loan, together with other funds available, is adequate to assure completion or achievement of the purposes for which the loan is made.

(d) USE OF FUNDS.—The Secretary may not obligate funds from the Fund to an eligible financial institution for mortgage payments deferred under subsection (g) in excess of the amount in excess of the sum of 6 deferred mortgage payments.

(e) ELIGIBILITY.—The amount calculated under subparagraph (A) shall not include any deferrals that an eligible financial institution granted to a mortgagor prior to the date of enactment of this section.

(f) OUTSTANDING LOAN AMOUNT.—The total amount of outstanding loan amounts under this section may not exceed $2,000,000,000.

(g) LOANS.—A loan made by the Secretary pursuant to this section shall bear interest at a rate equal to not less than a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations comparable in maturity and quality, plus such additional charge, if any, toward covering other costs of the program, as the Secretary may determine to be consistent with its purposes.

(h) REPAYMENT.—All loans made under this section shall become due and payable within a period of not more than 30 years.

(i) ADJUSTMENT OF INTEREST RATES, MORATORIUM ON PRINCIPAL AND INTEREST.—The Secretary is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by the Secretary, and to take other actions in respect to such loans as the Secretary shall determine to be necessary or appropriate, consistent with the purposes of this section.

(j) APPLICATION.—An eligible financial institution seeking a loan under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including providing proper documentation to the Secretary that—

(1) such financial institution is the holder of a mortgage;

(2) mortgage payments have been deferred for 6 months under subsection (g); and

(3) the property secured by the mortgage is located in an affected area;

(k) The property secured by mortgage was rendered unusable or uninhabitable, or was completely destroyed by Hurricane Katrina or Hurricane Rita; and

(l) such financial institution has not initiated any foreclosure proceeding against any property held by a mortgagor for which the financial institution is seeking a loan.

(m) USE OF FUNDS.—Amounts in the Fund may only be used to provide loans to eligible financial institutions to reimburse such financial institutions for mortgage payments deferred under subsection (g).

(n) FORECLOSURES.—

(1) IN GENERAL.—An eligible financial institution that does not seek a loan under this section, may not foreclosure on property held by a mortgagor in an affected area, if the mortgagor can demonstrate that the property meets the requirements listed under subsection (d).

(2) EXEMPTION FROM FUND.—If an eligible financial institution is unable to foreclose under paragraph (1), such financial institution may seek a loan under this section in accordance with the provisions of this section.

(3) LIMITATION.—An eligible financial institution may not receive a loan under this section if the mortgage payments deferred under subsection (g) for any foreclosure proceeding initiated prior to August 26, 2005.
(A) by inserting after “evacuation plans” the following: “(including the costs of the plans)”;

(B) by inserting “and other catastrophic events before “impacting”:

(2) in subsection (b), by striking “and local” and inserting “parish, county, and municipal”;

(3) in subsection (c)—

(A) in paragraph (1), by inserting “safe” and before “practical”;

(B) in paragraph (2), by inserting after “States” the following: “and adjoining jurisdictions”;

(C) in paragraph (3), by striking “and” after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon;

and (E) by adding at the end the following:

“(5) the ability of food, water, rest, re- placement, and shelter opportunities along the evacuation routes;

“(6) the time required to evacuate under the plan; and

“(7) the physical and mental strains associated with the evacuation.”.

SA 2167. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making ap- propriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending Sep- tember 30, 2006, and for other purposes; as follows:

On page 219, line 14, insert after “$15,000,000” the following: “, of which $5,000,000 shall be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and mun- icipal governments in the State of Lou- isiana that experienced a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic con- gestion and to address increased transpor- tation demands in the affected commu- nities”.

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making ap- propriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending Sept- ember 30, 2006, and for other purposes; as follows:

On page 276, after line 24, add the follow- ing:

S.C. 1
(a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) as of the date of enactment of this Act, the amounts made available by this Act, $1,000,000 shall be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equ- ity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) in subsection (a)—
him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: “Provided further, That the Corporation shall submit a report to Congress that describes the potential liabilities, operational and capital costs, tax implications, administrative costs, and other costs associated with the Corporation creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure to such subsidiary before the Corporation takes further steps toward creating such a subsidiary.”

SA 2175. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 216, after line 23, insert the following:

SEC. 2174. (a) In this section:

Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 384, after line 13, insert the following:

SEC. 143. (a) The Senate finds the following:

On page 436, line 11, strike “Act” and insert in lieu thereof “division”.

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. 14711(c) of title 49, United States Code, is amended by

(1) striking “;” and at the end of paragraph (1) and inserting “;”;

(2) striking the period at the end of paragraph (2) and inserting a comma;

(3) inserting the following after paragraph (2):

“(3) be substituted, upon the filing of a motion with the court, for the State as parens patriae in the action.”

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. (a) In this section:


(2) The term “County” means Clark County, Nevada.

(3) The term “helicopter tour” means a commercial helicopter tour operated for profit.
(B) The term “helicopter tour” does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.


(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is a parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under provisions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) In a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States—

(B) Of the amounts deposited under subparagraph (A)—

(i) 5% of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the Conservation Area; and

(ii) 1/3 of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area or;

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SA 2175. Mr. BOND, Mr. Durbin, Mr. Baldwin, and Mr. Olson proposed an amendment to the bill H.R. 3058, making appropriations for the Department of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

SEC. 7. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) In General.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) Waiver.—

(1) In General.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of the Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) Report to Congress.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

SA 2183. Mr. BOND (for Mr. Frist (for himself, Mrs. Dole, and Mrs. Boxer)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 310, line 16, after “tribal areas”, insert the following: “; and of which $5,000,000 shall be for capacity building activities administered by the Department of Housing and Urban Development.”

SA 2184. Mr. BOND (for Mr. Murray) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 22, insert the following:

“SEC. 7. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-447 (House Report 108-702) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements for the Spokane-Seattle track under the Bridging the Gap project between Spokane County, Washington and Kootenai County, Idaho.”

SA 2182. Mr. Levin submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

SEC. 7. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) In General.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) Waiver.—

(1) In General.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of the Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) Report to Congress.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

SA 2183. Mr. BOND (for Mr. Frist (for himself, Mrs. Dole, and Mrs. Boxer)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 310, line 16, after “tribal areas”, insert the following: “; and of which $5,000,000 shall be for capacity building activities administered by the Department of Human and Social Services.”

SA 2184. Mr. BOND (for Mr. Murray) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 22, insert the following:

“SEC. 7. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-447 (House Report 108-702) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements for the Spokane-Seattle track under the Bridging the Gap project between Spokane County, Washington and Kootenai County, Idaho.”
SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 227, line 7, strike the period and insert the following: “Provided further, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport’s runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: Provided further, The Secretary of Transportation shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.”

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 321. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.

(a) PUBLIC HOUSING AGENCIES.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $362,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)).

(b) DISTRIBUTION OF FUNDS.—Public housing agencies shall be entitled to reimbursement for utility cost increases from funds made available under paragraph (1), upon submission to the Secretary of such increas--

Section 8 Residents.
(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $496,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(c) EMERGENCY DESIGNATION.—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

SEC. 3. Payment Standard.—The payment standard limitation under section 808(1) of the Comprehensive Appropriations Act of 1997 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 20 at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed water, the IP-Enabled Voice, Communications and Public Safety Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 20, at 9:30 a.m. to hear testimony on Nominations. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, October 20, 2005 at 2 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, October 20, 2005, at 9:30 a.m. for a hearing titled, "Hurricane Katrina in New Orleans: A Flooded City, a Chaotic Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 20, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

I. Nominations

Susan Nelson to be U.S. Circuit Judge for the Sixth Circuit.

John Richard Smoak to be U.S. District Judge for the Northern District of Florida.

Brian Edward Sandoval to be U.S. District Judge for the District of Nevada.

Harry Sandlin Mattice, Jr. to be U.S. District Judge for the Eastern District of Tennessee.

Margaret Mary Sweeney to be a Judge of the United States Court of Federal Claims.

Thomas Craig Wheeler to be a Judge of the United States Court of Federal Claims.

Wan Kim to be an Assistant Attorney General, Civil Rights Division.

Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel.

Susan Ellen Wooldridge to be an Assistant Attorney General, Environment and Natural Resources Division; and

Thomas O. Barnett to be an Assistant Attorney General, Antitrust Division.

II. Bills

S. 1068, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1326, Notification of Risk to Personal Data Act, Sessions;

S. 1386, A Bill to Improve the National Program to Arrest and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer;

S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyi, Cornyn;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold;

S. 1068, Trademark Dilution Revi- sion Act of 2005, Smith—TX;


S. 1278, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S., Budget Reconciliation [Chairman’s Mark].