SA 2158. Mr. ENSIGN (for himself and Mr. Vitter) proposed an amendment to amend
SA 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS)
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
intended to be proposed by him to the bill H.R. 3058, supra.
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
intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.
SA 2161. Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. LEVIN) proposed 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. 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 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. LEVINE, 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. McCURDY) proposed an amendment to the bill H.R. 3058, supra.
SA 2175. Mr. BOND (for himself and Mrs. McCURDY) proposed an amendment to the bill H.R. 3058, supra.
SA 2176. Mr. BOND (for himself and Mrs. McCURDY) 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. MURRAY) proposed an amendment to the bill H.R. 3058, supra.
SA 2181. Mr. STEVENS (for himself, Ms. MURkowski, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.
SA 2182. Mr. COLE 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 Mr. MURRAY) 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. LOTT (for himself and Mr. LUTENBERG)) proposed an amendment to the bill H.R. 3058, supra.
SA 2188. Mr. BOND (for Mr. LUTENBERG) proposed an amendment to the bill H.R. 3058, supra.
SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DWENWITSCH)) proposed an amendment to the bill H.R. 3058, supra.
SA 2190. Mr. BOND (for Mr. COHON) 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 309(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 improve procedures and safeguards concerning threats 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. 121. (a)(1) This section shall apply to an employee of the Federal Aviation Administration, who is authorized for the Federal Aviation Administration to rehire an employee as a contractor for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8906(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

Sec. 122. An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligible for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service 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 to—

(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 8906(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

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

(c)(2) 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.

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; and

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

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 to a contractor under subsection (a).

SA 2151. Mr. LOTT 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.
(2) For fiscal year 2007, $590,000,000.
(3) For fiscal year 2008, $650,000,000.
(4) For fiscal year 2009, $753,000,000.
(5) For fiscal year 2010, $835,000,000.
(6) For fiscal year 2011, $950,000,000.

(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, $18,013,000,000.
(2) For fiscal year 2007, $19,010,000,000.
(3) For fiscal year 2008, $1,071,000,000.
(4) For fiscal year 2009, $1,026,000,000.
(5) For fiscal year 2010, $991,000,000.
(6) For fiscal year 2011, $1,231,000,000.

(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) 11 percent for fiscal year 2007.
(3) 23 percent for fiscal year 2008.
(4) 25 percent for fiscal year 2009.
(5) 11 percent for fiscal year 2010.
(6) 33 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT. The Secretary may withhold up to 1/2 of 1 percent of the amounts available for carrying out each project pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

TITLE II—AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION

There are authorized to be appropriated to the Secretary of Transportation—

(1) $204,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;
(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and
(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. Capital assistance for intercity passenger rail service.

SEC. 302. State highway capital assistance.

SEC. 303. Next generation corridor train equipment pool.

Title IV—RAIL FACILITY BONDS

SEC. 501. Intercity rail facility bonds.

TITLE V—RAIL BOND AUTHORITY

SEC. 5101. Authority for railroad bonds.

(b) 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, $148,100,000.
(2) For fiscal year 2007, $141,000,000.
(3) For fiscal year 2008, $133,800,000.
(4) For fiscal year 2009, $124,000,000.
(5) For fiscal year 2010, $113,900,000.
(6) For fiscal year 2011, $103,800,000.

(3) EARLY BUYOUT OPTIONS. There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary 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.

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

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak’s or its successors’ liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak’s outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT. There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;
(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and
(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;
(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and
(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in carrying out the evaluation required by section 216 of this Act.
“(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 those rail corridors 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 of the date of enactment of this Act for which the Secretary of Transportation has determined that the rail corridor(s) is (are) not owned and operated by Amtrak, or the cessation of financial support under

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 contract by either party to the contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

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“(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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

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

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to 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 so agree.

“(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such contract by either party to the contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.”.
that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the loss or diminution in benefits with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) in accordance with the procedures and procedural schedule applicable to a proceeding under section 2406(c) of title 49, United States Code, and full implementation of this methodology with regards to the provision of such service within 1 year after the Board’s determination of the appropriate methodology.

(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 that 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 develop alternative methodologies for determining intercity passenger rail routes and services.

(b) SUBMITTAL TO CONGRESS.—The Auditor of the Federal Railroad Administration shall submit a modified request for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(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 that chapter, to pay capital costs determined in accordance with this section.

(e) PIONEER ROUTE.—Within 2 years 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, develop and publish a report on 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.

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 develop and publish a report on 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.

(b) CONTESTED CASES.—The Secretary of Transportation, the House Committee on Commerce, Science, and Transportation, and the Senate Committee on Commerce, Science, and Transportation shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(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 (a) into their access and service agreements.

(d) PIONEER TRAIN PERFORMANCE AND OTHER STANDARDS.—

(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of any intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services, is determined by the Surface Transportation Board to be substandard, the Federal Railroad Administration shall conduct an investigation and furnish to the Surface Transportation Board a report on the consideration of reinstating the entire Pioneer Route formerly operated by Amtrak to the date of enactment of this Act, Amtrak and the States (including the District of Columbia) in which Amtrak is otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated 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—

‘‘(1) provide that, in the absence of evidence to the contrary, the Board shall consider the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

‘‘(2) will adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak.

‘‘(B) In the case of a host rail carrier, the penalties under subsection (a)(3);’’

‘‘(4) by adding at the end thereof the following:

‘‘(2) Beginning in fiscal year 2008 for those routes identified as being in the second best performing third under subsection (a)(3); and

‘‘(3) Beginning in fiscal year 2009 for those routes identified as being in the best performing third under subsection (a)(3).’’

‘‘(d) Enforcement.—The Federal Railroad Administration shall monitor the development and implementation of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

‘‘(1) shall notify Amtrak of its determination under this subsection;

‘‘(2) shall provide an opportunity for a hearing with respect to that determination; and

‘‘(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.’’

‘‘(b) Conferring Amendment.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

‘‘24710. Long distance routes.’’

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

‘‘(a) In general.—Chapter 247, as amended by section 209, 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 the Passenger Rail Investment and Improvement Act of 2005, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

‘‘(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider on a route in lieu of Amtrak;

‘‘(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both Amtrak and the petitioner or rail carriers 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 need for the operation of the route, and the number of employees needed by the bidder, among other things;

‘‘(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding the winning bidder;

‘‘(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

‘‘(B) an operating subsidy—

‘‘(i) for the first year at a level not in excess of the level in effect during the fiscal year before the date on which the petition was received, adjusted for inflation; and

‘‘(ii) for any subsequent years at such level, adjusted for inflation; and

‘‘(C) during fiscal year 2007 for those routes identified as being in the worst performing third under subsection (a)(3);’’

‘‘(b) Adequate resources.—Before taking any action allowed under this section, the
Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.

(b) TERMINATION 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 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 provide 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.

(b) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized by this section may not exceed 100 percent.

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 State (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 improvements for 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.—The Corporation shall submit the capital expenditures plan under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 265 of this Act.

(c) PROVISION OF FINANCIAL INCENTIVES FOR CAPITAL IMPROVEMENTS.—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 the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(d) The Secretary may provide 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.

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; Capital Improvements; Administration.

(1) The National Railroad Passenger Corporation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this subsection 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 composed of—

(A) members representing the National Railroad Passenger Corporation;

(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

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

(2) To the extent 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 per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

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

(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with the provisions in section 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 furnish, without charge, such personnel as the Commission requests to enable the Secretary to carry out its duties under this section.

(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any support services necessary for the Commission to carry out its responsibilities under this section.

(10) The Commission shall consult with other entities as appropriate.

(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 investment needs beyond the state-of-good-repair under section 213;

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

(3) proportional interregional use of intercity passenger rail, commuter rail, and freight rail services;

(4) opportunities 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 203(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 24102 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 ensure that there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

(B) develop a proposal for determining and allocating 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 1 service.

(2) DETERMINATION-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 a capital 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 subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.
(a) In general.—The Secretary shall require Amtrak to maintain records showing the earnings and expenses of Amtrak pursuant to the Act for the purpose of making improvements to the railroad facilities and equipment that serve passenger rail stations served by Amtrak and that are necessary to ensure access to the stations by individuals with disabilities.

(b) Report.—The Secretary shall submit an annual report to Congress on or before September 30 of each year beginning in 2008, and each year thereafter, on the progress made in implementing the improvements required under this section, including—

(1) the projects that were undertaken and the amount of Federal funds expended on each project; and

(2) the number and type of individuals with disabilities who were able to access the passenger stations served by Amtrak.

SEC. 212. AMTRAK SAFETY AND SECURITY

(a) Safety and Security Training.—Amtrak shall ensure that all employees and contractors are trained in accordance with the requirements of this section, including—

(1) the development of a comprehensive safety and security training program; and

(2) the provision of training to employees and contractors on a regular basis, as determined by the Secretary.

(b) Security Plan.—Amtrak shall develop and maintain a security plan that includes—

(1) a description of the security measures in place to protect passenger trains and stations;

(2) a description of the procedures in place to respond to emergencies; and

(3) a plan for public awareness and education.

SEC. 213. INCENTIVE PAY

The Administrator, in consultation with the Amtrak Board of Directors, may develop an incentive pay program for Amtrak employees.
§24310. Management accountability

(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act 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 capital planning;
(3) efforts to implement minimum rail 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 24309 the following:

"§24310. Management accountability."
work agreements may be not more than a funding grant agreements and early systems contingent commitments included in full.

The total amount covered by new letters and reasonable estimates is necessary for grants authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2005 beginning in fiscal year 2007 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 101(c) of that Act.

The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, staffing levels, management skills, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, system demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and recordkeeping system;

(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

(6) material testing policies and procedures;

(7) internal plan implementation and reporting requirements;

(8) criteria and procedures to be used for testing the operational system or its major components;

(9) periodic updates of the plan, especially related to project planning, schedule, financing, and ridership estimates; and

three years of economic feasibility, and information necessary to verify such expenditures.

In carrying out this section, the Secretary may require such information as necessary to verify such expenditures.

The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, staffing levels, management skills, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, system demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

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(6) material testing policies and procedures;

(7) internal plan implementation and reporting requirements;

(8) criteria and procedures to be used for testing the operational system or its major components;

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(3) a construction schedule for the project;

(4) a document control procedure and recordkeeping system;

(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

(6) material testing policies and procedures;

(7) internal plan implementation and reporting requirements;

(8) criteria and procedures to be used for testing the operational system or its major components;

(9) periodic updates of the plan, especially related to project planning, schedule, financing, and ridership estimates; and

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(1) adequate recipient staff organization with well-defined reporting relationships, staffing levels, management skills, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, system demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and recordkeeping system;

(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

(6) material testing policies and procedures;

(7) internal plan implementation and reporting requirements;

(8) criteria and procedures to be used for testing the operational system or its major components;

(9) periodic updates of the plan, especially related to project planning, schedule, financing, and ridership estimates; and

three years of economic feasibility, and information necessary to verify such expenditures.

In carrying out this section, the Secretary may require such information as necessary to verify such expenditures.

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(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, system demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

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(6) material testing policies and procedures;

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(8) criteria and procedures to be used for testing the operational system or its major components;

(9) periodic updates of the plan, especially related to project planning, schedule, financing, and ridership estimates; and

three years of economic feasibility, and information necessary to verify such expenditures.

In carrying out this section, the Secretary may require such information as necessary to verify such expenditures.

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(1) adequate recipient staff organization with well-defined reporting relationships, staffing levels, management skills, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, system demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and recordkeeping system;

(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

(6) material testing policies and procedures;

(7) internal plan implementation and reporting requirements;
"(12) the recipient’s commitment to submit a project budget and project schedule to the Secretary each month.

"(13) the Railroad Labor Act (45 U.S.C. 151 et seq.); and

"(14) the Secretary’s withholding the requirements of section 24304 of the Rail Capital and Rehabilitation Act of 2005, the Secretary of Transportation may approve the use of any contract that uses any contract under that section to construct a project to oversee the construction of such project.

"(2) the Secretary may use amounts available under paragraph (1) of this subsection to make awards for safety, for procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) the Secretary shall provide the entire cost of carrying out a contract under this subsection.

"(4) the Secretary chooses under subsection (c) of this section to make a contract to the construction of sites and records and be subject to the record when reasonably necessary.

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24304 of the Rail Capital and Rehabilitation Act of 2005, the Secretary of Transportation may use the capital assistance under this subchapter to fund, in whole or in part, a project for the construction of rail passenger service associated with the capital assistance grant, but the amount may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) Domestic Buying Preference.—

"(1) Requirement.—

"(A) In general.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) manufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States;

"(B) De minimis amount.—Subparagraph (1) applies only to a purchase in a total amount that is not less than $1,000,000.

"(2) Waiver.—In the event of a request for a waiver of a requirement under subparagraph (1) of this subsection, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary, at the time of the request, determines that such a waiver is consistent with the public interest.

"(b) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States.

"(2) the articles, material, or supplies shall be purchased in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality, and

"(3) the United States means the States, the District of Columbia, and the Territories of the United States and the States and the District of Columbia.

"(b) Operators Deemed Rail Carriers and Employers for Certain Purposes.—A person that operates rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered to be an entity for purposes of section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 201 et seq.); and

"(g) Grant Conditions.—The Secretary shall require as a condition of making any grant under section 24302 that the railroad that uses the right-of-way owned by a railroad—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership of the right-of-way; and

"(2) a written agreement between the applicant and the railroad for the right-of-way owned by the railroad to be used for railroad transportation.

"(C) any compensation for such use;

"(1) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations; and

"(2) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations.

"(d) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations.

"(§) the Secretary, at the time of the request, determines that such a waiver is consistent with the public interest.

"(3) the Secretary chooses subsection (c) of this section to make a contract to the construction of sites and records and be subject to the record when reasonably necessary.

"(4) the table of chapters for the title is amended by inserting the following after the item relating to chapter 24:

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24304 of the Rail Capital and Rehabilitation Act of 2005, the Secretary of Transportation may use the capital assistance under this subchapter to fund, in whole or in part, a project for the construction of rail passenger service associated with the capital assistance grant, but the amount may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) Domestic Buying Preference.—

"(1) Requirement.—

"(A) In general.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) manufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States;

"(B) De minimis amount.—Subparagraph (1) applies only to a purchase in a total amount that is not less than $1,000,000.

"(2) Waiver.—In the event of a request for a waiver of a requirement under subparagraph (1) of this subsection, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary, at the time of the request, determines that such a waiver is consistent with the public interest.

"(b) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States.

"(2) the articles, material, or supplies shall be purchased in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality, and

"(3) the United States means the States, the District of Columbia, and the Territories of the United States and the States and the District of Columbia.

"(b) Operators Deemed Rail Carriers and Employers for Certain Purposes.—A person that operates rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered to be an entity for purposes of section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 201 et seq.); and

"(g) Grant Conditions.—The Secretary shall require as a condition of making any grant under section 24302 that the railroad that uses the right-of-way owned by a railroad—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership of the right-of-way; and

"(2) a written agreement between the applicant and the railroad for the right-of-way owned by the railroad to be used for railroad transportation.

"(C) any compensation for such use;

"(1) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations; and

"(2) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations.

"(d) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations.

"(§) the Secretary, at the time of the request, determines that such a waiver is consistent with the public interest.

"(3) the Secretary chooses subsection (c) of this section to make a contract to the construction of sites and records and be subject to the record when reasonably necessary.

"(4) the table of chapters for the title is amended by inserting the following after the item relating to chapter 24:

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24304 of the Rail Capital and Rehabilitation Act of 2005, the Secretary of Transportation may use the capital assistance under this subchapter to fund, in whole or in part, a project for the construction of rail passenger service associated with the capital assistance grant, but the amount may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) Domestic Buying Preference.—

"(1) Requirement.—

"(A) In general.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) manufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States;

"(B) De minimis amount.—Subparagraph (1) applies only to a purchase in a total amount that is not less than $1,000,000.

"(2) Waiver.—In the event of a request for a waiver of a requirement under subparagraph (1) of this subsection, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies, the waiver is consistent with the public interest.

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States.

"(2) the articles, material, or supplies shall be purchased in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality, and

"(3) the United States means the States, the District of Columbia, and the Territories of the United States and the States and the District of Columbia.

"(b) Operators Deemed Rail Carriers and Employers for Certain Purposes.—A person that operates rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered to be an entity for purposes of section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 201 et seq.); and

"(g) Grant Conditions.—The Secretary shall require as a condition of making any grant under section 24302 that the railroad that uses the right-of-way owned by a railroad—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership of the right-of-way; and

"(2) a written agreement between the applicant and the railroad for the right-of-way owned by the railroad to be used for railroad transportation.

"(C) any compensation for such use;

"(1) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations; and

"(2) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations.

"(d) an assurance by the railroad that collective bargaining agreements, including both existing and future freight and passenger operations.

"(§) the Secretary, at the time of the request, determines that such a waiver is consistent with the public interest.

"(3) the Secretary chooses subsection (c) of this section to make a contract to the construction of sites and records and be subject to the record when reasonably necessary.

"(4) the table of chapters for the title is amended by inserting the following after the item relating to chapter 24:
“244. Intercity passenger rail service capital assistance ........ 24401”.

“(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance ........ 24401”.

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

Sec. 22501. Definitions

22502. Authority

22503. Purposes

22504. Transparency; coordination; review

22505. Content

22506. Review

§ 22501. Definitions

“In this subchapter:

(1) PRIVATE BENEFIT.—

(A) IN GENERAL.—The term ‘private benefit’—

(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary;

(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties;

(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

(2) PUBLIC BENEFIT.—

(A) IN GENERAL.—The term ‘public benefit’—

(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

(3) STATE.—The term ‘State’ means any of the 50 States and the District of Columbia.

(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term ‘State rail transportation authority’ means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.”.

§ 22502. Authority

“(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

(1) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

(A) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

(B) establish or designate a State rail plan approval authority to approve the plan;

(C) submit the State’s approved plan to the Secretary of Transportation for review; and

(D) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

“225. State rail plans .......... 22501”.

(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

“225. State rail plans .......... 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) identify a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between 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 authorizations 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 Secretary”,” after “The Federal Rail Plan”;

(2) by striking the second and third sentences of subsection (a);

(3) by inserting “ADMINISTRATOR.—before “The head” 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 five 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 head” in subsection (d), as redesignated;

(6) by striking “and” and after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesigning paragraph (2) of subsection (d), as redesignated, and inserting after paragraph (1) the following:

“(2) the duties and powers related to railroad safety in section 305 and development under subsection (e);”

(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 (e)”; and

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the 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 and the national rail plan of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of people and goods and for the development of an optimized national rail system for the movement of people and goods; and

“(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;

“(d) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

“(g) support rail intermodal development and high-speed rail development, including high-speed freight rail; and

“(h) 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 States to achieve 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.

“(b) PERFORMANCE GOALS AND REPORTS.—

“(1) PERFORMANCE GOALS.—A performance goal under this section shall be in accordance with the objectives established and activities undertaken under section 108(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

“(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed (b) 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 that—

“(1) address, among other matters, intercity passenger and freight rail services, including existing rail passenger and freight rail services, and rail development and implementation of high-speed passenger rail services, as well as systems of rail service connected to or integrated with non-high-speed passenger services;

“(2) develop a long range national rail plan; and the rail needs of the Nation, as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

“(4) to recommend priorities for technology demonstration and operations.

“(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;

“(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

“(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the determination of services or frequencies over such routes;

“(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations.

“(b) ADVISORY BOARD.—

“(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, intercity passenger rail agencies, intercity passenger agencies, freight rail agencies, rail 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 activities relating to research and technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.

“(e) CLERICAL AMENDMENT.—The chapter for chapter 249 is amended by adding at the end the following:

“24910. Rail cooperative research program.”

TITLE IV—PASSENGER RAIL SECURITY

SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPGRADING.

(a) IN GENERAL.—Subject to subsection (c) the Secretary 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 purchase, install, or contract for and operate 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. 
SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS. 
(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak and Amtrak’s rail system, stations, and facilities located outside of the Northeast Corridor receiving a equitable share of the security funds authorized by this section. 
(b) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to be authorized to be appropriated to the Secretary of Homeland Security to carry out this section— 
(A) $100,000,000 for fiscal year 2006; 
(B) $100,000,000 for fiscal year 2007; 
(C) $100,000,000 for fiscal year 2008; 
(D) $3,000,000 for the preliminary design of operations and maintenance centers, including Baltimore tunnels. 
(c) INFRASTRUCTURE UPGRADES. —The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training. 
(d) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak’s rail system, stations and facilities 
(1) 63,500,000 for fiscal year 2006; 
(2) 50,000,000 for fiscal year 2007; and 
(3) 50,000,000 for fiscal year 2008. 
Amounts appropriated pursuant to this subsection shall remain available until expended. 
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. 
(a) 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. 
(b) CONTENTS OF PLAN.—The plan to be submitted by Amtrak under subsection (a) shall include the following: 
(i) 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 respect to such unverified passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard involved in a train involved in such an accident and, for Amtrak to provide any public notice of the names of the passengers, by suitably trained individuals. 
(ii) A process for providing the notice described in paragraph (1) to the families of a passenger as soon as Amtrak has verified the fact that the passenger was aboard the train (whether or not the names of all of the passengers have been verified). 
(iii) A process by which the family of each passenger will be consulted about the dis- position of all remains and personal effects of the passenger within Amtrak’s control; and 
(iv) That any unclaimed possession of a passenger within Amtrak’s control will be retained by the rail passenger carrier for at least 18 months. 
SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT. 
Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of
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; and

(2) an assessment of the current program to provide pre-screening of all passengers traveling between the United States and Canada as outlined in the “Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principles 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;

(4) 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;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(a) the description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(b) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Protection personnel on Amtrak trains on American trains between the United States and Canada.

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

(a) REQUIREMENTS 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 National Railroad Passenger Corporation; and

(2) report the results of the study, together with any recommendations that the Secretary and the other appropriate agencies 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.

SEC. 501. INTERCITY RAIL FACILITY BONDS.

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

*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 statement of the railroad passenger transportation corridor containing the infrastructure project to be financed is within the State;

(B) 1 or more of the States that have entered into an agreement or an interstate compact consented to by Congress under section 410(a) of Public Law 105–134 (9 U.S.C. 24101 note);

(C) an agreement or an interstate compact described in subparagraph (B); or

(D) Amtrak, for capital projects under its 5-year plan.

(2) the bonds are for the purpose of financing projects that make a substantial contribution to providing the infrastructure and equipment required to complete or improve a railroad transportation corridor (including projects for the acquisition, financing, or refinancing of equipment and other capital improvements, including the introduction of new high-speed technologies such as magnetic levitation systems, track or signal improvements, the elimination of grade crossings, development of facilities, improvement of train speeds or safety, or both, and station rehabilitation or construction), but only if the Secretary determines that 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 205 (except for bonds issued under paragraph (1)(D));

(3) 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 (excluding the contracting of 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 designation within 9 months after receipt of an application.

(d) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) may be refinanced by the States or their political subdivisions only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred with the use of

(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)(A); and

(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a)(2)(A).

(e) APPLICATION OF REGULATIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after 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 the Passenger Rail Investment and Improvement Act of 2005, 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).

Conforming 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 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:

SEC. 1. 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 produce or manufacture in the United States, to sell, distribute in commerce of any 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 and issued 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 an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of another American National Standard developed for such vehicles.

(c) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall give preference to the design adoption of such ATV for the list of such ATV action plans that—

(1)(A) 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 and issued 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 an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of another American National Standard developed for such vehicles.

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

(e) APPLICATION OF CONFORMING 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.*
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 under 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 (Public Law 107–307), including any programs under the community development block grant program under title I of the Housing and Community Development Act of 1974 (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. FISCHER, and Mr. STABENOW) 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:

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 CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

“CHAPTER 117A.—TRANSPORTATION OF MINORS IN CIRCUMVENTION 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 paternal 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 or 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 parent’s 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.

"(d) 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 suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

(B) that does not provide as an alternative to the requirements described in sub-

paragraph (A) notification to or consent of, a parent of that minor; or

(ii) proceedings in a State court; 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) an independent counsel...

(d) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(1) of title 28, United States Code;

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

(C) compliances with oversight obligations pursuant to section 594(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 585(c) of title 28, United States Code.

(2) T ECHNICAL AND CONFORMING AMEND-

On page 293, after line 25, add the follow-

SEC. 1. APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Com-

On page 293, after line 25, add the fol-

In GENERAL.—The President shall ap-

by and with the advice and consent of the Senate, 1 additional district judge for the
district of Nebraska.

(b) TECHNICAL AND CONFORMING AMEND-

On page 293, after line 25, add the fol-

The Secretary of Transportation, the Secretary of the En-
ergy, and the Secretary of Energy shall submit to Congress a report describing the feasibility

and marginal production costs of making all new passenger automobiles and light trucks sold in the United States capable of using a flexible fuel mixture.

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

On page 293, after line 25, add the fol-

SEC. 1. DEFINITION OF AFFECTED AGENCY.—In this subsection, the term ‘affecte
“(A) the Department of Transportation;

“(B) the Department of the Treasury;

“(C) the Department of Housing and Urban Development; and

“(D) an agency of the judicial branch of the Federal Government.

“(2) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION.—Each affected agency shall take all 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 agency.

“(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)(i), by striking “for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska” and inserting “for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana”; and

(2) by striking subparagraph (B) and inserting—

“Planning, design, and construction of Knik Arm Bridge and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(3) in 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. 1184) is amended—

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

(2) by striking “each work” and inserting “one”; and

(3) by striking “Knik Arm Bridge Project” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(4) in item number 3677—

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

(B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(5) in item number 20—

(A) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”; and

(6) by striking “LA” and inserting “AK”.

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:

At the appropriate place, add the following: On page 348, between lines 5 and 6, insert the following:

SEC. 321. HOME MORTGAGE PROTECTION REVOLVING LOAN FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Home Mortgage Protection Revolving 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) APPLICATION—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.

(l) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may not loan amounts out of the Fund to an eligible financial institution for mortgage payments that, in the aggregate, do not exceed the amount in excess of the sum of 6 deferred mortgage payments.

(B) EXCLUSION.—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.

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

(f) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION.—An affected agency may use such measures as the affected agency determines are necessary or appropriate, consistent with the purposes of this section.

(g) MORTGAGES.—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;

(4) the property secured by mortgage was rendered unusable or uninhabitable, or was completely destroyed as a result of Hurricane Katrina or Hurricane Rita;

(5) 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.

(h) 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).

(i) FORECLOSURES.—

(1) IN GENERAL.—An eligible financial institution that does not seek a loan under this section, may not foreclose 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) REIMBURSEMENT 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.

(j) LIMITATION.—An eligible financial institution may not receive a loan under this section for mortgage payments deferred under subsection (g) for any foreclosure proceeding initiated prior to August 26, 2005.
(4) 

REPAYMENT FOR ANY PROPERTY SEIZED.—If an eligible financial institution forecloses, or otherwise seizes or disposes of, property held by a mortgagor in an affected area, such financial institution shall take steps to ensure that any loan amounts received under this section are repaid to the Fund any amounts

mortgaged under paragraph (3), such institution as eligible for insurance under section 2 of the National Housing Act (12 U.S.C. 1703).

(5) 

REIMBURSEMENT FOR EXTENSION.—An eligible financial institution that extends the deferral of any mortgage payments under paragraph (1) to extend the term of such mortgage to cover any mortgage payments missed or deferred under that paragraph.

(6) 

LIMITATION ON REFINANCING.—If an eligible financial institution exercises its authority to refinance, reamortize, or restructure any mortgage deferred under paragraph (1) to extend the term of such mortgage to cover any mortgage payments missed or deferred under that paragraph.

(7) 

INELIGIBILITY OF CERTAIN MORTGAGORS.—An eligible financial institution shall not extend the deferral of any mortgage payments under paragraph (1), if the mortgagor has a homeowners or other insurance policy that includes coverage of mortgage payments.

(8) 

EVACTION.—A failure by a mortgagor to make a mortgage payment on any property located in an affected area shall not be reported to any consumer reporting agency as such term is defined under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(9) 

INVESTMENT.—To the extent that amounts in the Fund at any time exceed the immediate needs of the Fund, the excess shall be invested in short-term obligations of the United States.

(10) 

INTEREST.—To the extent that interest accrues on any funds invested under paragraph (9), such interest shall remain in the Fund and shall be made available for the purposes of this section.

(11) 

REVERSION OF FUNDS TO THE TREASURY.—The Fund that is spent and unobligated after March 30, 2007, shall be covered into the General Fund of the Treasury as miscellaneous receipts, and the Fund shall be terminated.

(12) 

REGULATIONS.—Not later than 15 days after the date of enactment of this section, the Secretary shall issue regulations necessary to carry out the administration of this section and to ensure that the purposes of this section are accomplished.

(13) 

The following definitions shall apply:

(A) Affected area.—The term ‘‘affected area’’ means any area—

(1) with respect to which the President has declared a major disaster pursuant to title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita; or

(B) that is determined to be eligible for disaster relief under other Federal law by reason of a State and related to Hurricane Katrina or Hurricane Rita.

(2) Eligible financial institution.—The term ‘‘eligible financial institution’’ means any—

(A) commercial bank; 

(B) community bank;

(C) mortgage bank; 

(D) credit union; 

(E) enterprise, as that term is defined in 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, of 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 Equity Act: A Legacy for Users (Public Law 109-59) is amended—

(1) in subsection (a)—

(a) by inserting after ‘‘evacuation plans’’ the following: ‘‘(including the costs of the plans);’’ and

(b) by inserting ‘‘and other catastrophic events before ‘impacting’’.’’
him to the bill H.R. 3058, making appropri- 
aptions 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; 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 im- plications, administrative costs, and other costs associated with the Corporation cre- ating 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 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropri- 
aptions 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; 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 costs, including staffing costs, associated with creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infras- tructure to such subsidiary before the Corporation takes further steps toward creating such a subsidiary.”

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropri- 
aptions 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; which was ordered to lie on the table; as follows:

On page 253, after line 22, insert the fol- 
apowing:

SEC. 143. (a) The Senate finds the fol- 
apowing:

(1) Only 1 member of the Board of Direc- 
tors of the Corporation has been confirmed by the Senate.

(2) Two other members of the Board were recess appointments whose terms expire at the end of the first session of the 109th Con- 
gress.

(3) Three seats on the Board are vacant and no 
nominations have been submitted to the Senate to fill these vacancies.

(4) The Corporation’s ability to take major 
actions is compromised by having only 1 
member of the Board who has been con- 
firmed by the Senate.

(b) It is in the sense of the Senate that—

(1) the Board should appoint sufficient 
new members to the Board of Directors of 
the Corporation to fill all existing and an- 
ticipated vacancies and submit such appoint- 
ments to the Senate not later than December 31, 2005; and

(2) the Senate should act on such nomina- 
tions as quickly as possible.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CAR- 
PER) submitted an amendment in- 
apated to be proposed by him to the bill H.R. 3058, making appropri- 
aptions for the Departments of Transportation, Treasury, and Housing and Urban De- 
velopment, 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 406, between lines 7 and 8, insert the fol- 
apowing:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS 
WITH FEDERAL TAX DEBT.

The General Services Administration, in con- 
junction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contrac- 
tors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FED- 
ERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Ad- 
ministrator of General Services shall submit an- 
nually to the Committee on Homeland Secu- 
rity and Governmental Affairs of the Senate 
and the Committee on Government Re- 
form of the House of Representatives a re- 
port on all first class and business class trav- 
el by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted 
suant to subsection (a) shall include, at a 
minimum, with respect to each travel by first 
class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destina- 
tion;

(4) the cost of the first class or business 
class travel; and

(5) the cost difference between such travel 
and travel by coach class fare available 
under contract with the General Services Administration or, if no contract is avail- 
able, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as pro- 
vided in paragraph (2), in this section, the term “agency” has the meaning given such 
term in section 5001(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in any section of title 16, United States Code, or any section designated under the title “National Security Act of 1947” (50 U.S.C. 4101 et seq.).

SA 2174. Mr. BOND (for himself and 
Mrs. MURRAY) proposed an amend- 
mint to the bill H.R. 3058, making appropri- 
aptions for the Departments of Transpor- 
tation, 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 384, after line 13, insert the fol- 
apowing:

SEC. 518. Withholding of payments to 
Federal agencies for use within GSA 
appropriations shall be included in the published 
budgetary activity and budgetary 
outlook;

SEC. 520. Report to Congress re- 
porting of air travel by Federal 
employees;

SEC. 521. Report to Congress on 
Federal contracts with 
Federal tax debt;

SEC. 522. Financial Management 
Service reporting;

SEC. 523. Federal Payment Levy 
Program;

SEC. 524. Financial Management 
Service reporting to Congress on 
Federal tax debt.

SA 2177. Mr. BOND proposed an amend- 
mint to the bill H.R. 3058, mak- 
ing appropriations for the Departments of Transportation, Treasury, and Hous- 
ing and Urban Development, the Judi- 
cy, District of Columbia, and inde- 
pendent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the fol- 
apowing:

SEC. 141. In this section, the term “helicopter tour” means Clark Coun- 
try conservation area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

The term “county” means Clark County, Nevada.

The term “helicopter tour” means a commercial helicopter tour operated for profit.
VerDate Aug 31 2005 06:52 Oct 21, 2005 Jkt 049060 PO 00000 Frm 00093 Fmt 0624 Sfmt 0634 E:\CR\FM\A20OC6.091 S20OCPT1

map entitled 229 acres of land depicted as tract A on the subsection (b) is the parcel of approximately section (c).

and to the parcel of land described in subsection (c).

County Conservation of Public Land and to the Clark County Department of Aviation copter tour occurs over the Conservation Area.

Red Rock Canyon National Conservation Area.

rector, but by not more than 50 percent of the amount of the conservation fee in an amount required for the construction or reconstruction of any fuel farm facility.

ents for the Conservation Area and the administration of such complexes.

—

Sec. 724. REPORT ON EVERGREEN TERRACE.

—

Homeland Security Act of 2002 (6 U.S.C. §101 et seq.) may be used for any Federal Government contract entered into before the date of the enactment of this Act, funds made available to the Federal Railroad Administration for the vision of law, funds made available to the

none of the funds appropriated for Public Law 108-447 (House Report 108-754) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Gap corridor project between Spokane 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. 44700 et seq. to make available the applicable runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: Provided further, The Administrator of the Federal Aviation Administration shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 47006 airports.”

SA 2189. Mr. BOND (for Mr. COLEMAN) 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. 217. ALL-TERRAIN VEHICLES.

(a) In General.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) With respect to an ATV designed for use by a single operator only, such ATV complies with any applicable provision of—

(i) 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);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the Commission;

(2) with respect to an ATV designed for use by one or more passengers, such ATV complies with any applicable provisions of any other Federal or State certified Standard developed for such vehicles or such other non-mandatory standard that may be accepted by the Commission;

(3) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(4) 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 having handlebars for steering control and does not include a prototype of an all-terrain vehicle, 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, To Distribute in Commerce, United States.—The term ‘‘Commission’’, ‘‘distribution in commerce’’, ‘‘to distribute in commerce’’, and ‘‘United States’’ have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) Violation of CPSA.—Any violation of subsection (a) shall be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2058) and shall be subject to the penalties, and other remedies, and prohibitions for prohibited acts under the Consumer Product Safety Act.

(d) Effective Date.—This section shall become effective 90 days after the date of the enactment of this Act.

SA 2190. Mr. BOND (for Mr. COBURN) 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 406, between lines 7 and 8, insert the following:

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

(a) Estimate.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Urban Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107-301).

(b) Report.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) Failure to Report.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), the funds for the community development block grant program shall be halted until such report is submitted.

SA 2191. Mr. REED 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 348, between lines 5 and 6, 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(e)).

(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 of proof to the Secretary of such increases.

(2) Section 8 Residents.—
Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 9:30 a.m., for a hearing on the following:

H.R. 683, Trademark Dilution Revision Act of 2005—Smith—TX;
S. 443, Antitrust Criminal Investigation Act of 2005—Kohl, Leahy;
S. 1787, 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, Burns, Kennedy, Feinstein; and
S. 11695, Budget Reconciliation Act of 2005—Chairman's Mark.

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

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 2 p.m., on pending Committee business. Senate Commerce Committee Chairman Ted Stevens, R-Alaska, and Co-Chairman Daniel Inouye, D-Hawaii, have rescheduled this week's Full Committee mark-up for Thursday, October 20, 2005 at 2 p.m., previously scheduled for Wednesday, October 19, 2005 at 2:30 p.m. The mark-up is open to the public. A location for this mark-up will be announced when available. Polk's opening is the agenda, not necessarily in order of consideration: S. 1753, The Warning, Alert, and Response Network Act; S. 967, The Truth in Broadcasting Act of 2005; and S. 1063, The IP-Enabled Voice Communications and Public Safety Act of 2005.

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

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 10 a.m. to consider S. 1016, The DTV bill; S. 1799, Personal Data Privacy and Security Act of 2005; S. 1326, Notification of Risk to Personal Data Act, Feinstein, Kyi, Cornyn; and S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyi, Cornyn; and S. 517, Notification of Risk to Personal Data Act, Feingold, Leahy, Schumer; S. 966, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold; S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold; S. 1086, A Bill to Improve the National Program to Monitor and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer;

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 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 waters, for other purposes.

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

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 2 p.m. in SD-420.

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

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Homelands 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.