

BANNING SMOKING ON AMTRAK ACT OF 2019

SEPTEMBER 9, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFazio, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2726]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2726) to amend title 49, United States Code, to prohibit smoking on Amtrak trains, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

C O N T E N T S

	Page
Purpose of Legislation .....	1
Background and Need for Legislation .....	2
Hearings .....	2
Legislative History and Consideration .....	2
Committee Votes .....	2
Committee Oversight Findings .....	2
New Budget Authority and Tax Expenditures .....	2
Congressional Budget Office Cost Estimate .....	2
Performance Goals and Objectives .....	3
Duplication of Federal Programs .....	4
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	4
Federal Mandates Statement .....	4
Preemption Clarification .....	4
Advisory Committee Statement .....	4
Applicability to Legislative Branch .....	4
Section-by-Section Analysis of the Legislation .....	4
Changes in Existing Law Made by the Bill, as Reported .....	5

PURPOSE OF LEGISLATION

The purpose of H.R. 2726 is to prohibit smoking and the use of electronic cigarettes on Amtrak trains.

## BACKGROUND AND NEED FOR LEGISLATION

In 1993, Amtrak first implemented an internal policy that prohibited smoking on its trains, thruway buses, and stations. This policy was later amended to include a prohibition on the use of electronic smoking devices, such as electronic cigarettes. This legislation codifies Amtrak's internal policy as it applies to Amtrak trains.

## HEARINGS

No hearings were used to develop or consider H.R. 2726 this Congress.

## LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 2726 was introduced in the House on May 14, 2019, by Ms. Norton, and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 2726 was referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

The Subcommittee on Railroads, Pipelines, and Hazardous Materials was discharged from further consideration of H.R. 2726 on June 26, 2019.

The Full Committee met in open session to consider H.R. 2726 on June 26, 2019, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote with a quorum present.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 2726.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the

enclosed cost estimate for H.R. 2726 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 12, 2019.*

Hon. PETER A. DEFazio,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2726, the Banning Smoking on Amtrak Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<b>H.R. 2726, Banning Smoking on Amtrak Act of 2019</b>			
As ordered reported by the House Committee on Transportation and Infrastructure on June 26, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 2726 would codify Amtrak's prohibition on smoking, including electronic cigarettes, on all trains. Amtrak has had restrictions on onboard smoking in some form since 1993.

Because the requirements under H.R. 2726 are consistent with current Amtrak policy, CBO estimates that enacting the bill would have no effect on the federal budget.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to codify Amtrak's internal policy on smoking and use of electronic cigarettes on Amtrak trains.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2726 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 2726 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section provides that this bill may be cited as the “Banning Smoking on Amtrak Act of 2019”.

##### *Sec. 2. Prohibition on smoking on Amtrak trains*

This section prohibits smoking and the use of electronic cigarettes on Amtrak trains.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

## TITLE 49, UNITED STATES CODE

\* \* \* \* \*

## SUBTITLE V—RAIL PROGRAMS

\* \* \* \* \*

## PART C—PASSENGER TRANSPORTATION

\* \* \* \* \*

## CHAPTER 243—AMTRAK

Sec.

24301. Status and applicable laws.

\* \* \* \* \*

24323. *Prohibition on smoking on Amtrak trains.*

\* \* \* \* \*

**§24323. *Prohibition on smoking on Amtrak trains***

(a) *PROHIBITION.*—Beginning on the date of enactment of the Banning Smoking on Amtrak Act of 2019, Amtrak shall prohibit smoking on board Amtrak trains.

(b) *ELECTRONIC CIGARETTES.*—

(1) *INCLUSION.*—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

(2) *ELECTRONIC CIGARETTE DEFINED.*—In this section, the term “electronic cigarette” means a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.

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