

AMTRAK TRANSPARENCY AND ACCOUNTABILITY FOR
 PASSENGERS AND TAXPAYERS ACT

DECEMBER 4, 2024.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation
 and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 8692]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
 was referred the bill (H.R. 8692) to require that the Amtrak Board
 of Directors comply with the open meetings requirements of section
 552b of title 5, United States Code, and for other purposes, having
 considered the same, reports favorably thereon with an amendment
 and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose of Legislation	2
Background and Need for Legislation	2
Hearings	3
Legislative History and Consideration	4
Committee Votes	4
Committee Oversight Findings and Recommendations	4
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Cost Estimate	4
Performance Goals and Objectives	12
Duplication of Federal Programs	12
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	12
Federal Mandates Statement	12
Preemption Clarification	12
Advisory Committee Statement	12
Applicability to Legislative Branch	12
Section-by-Section Analysis of the Legislation	13
Changes in Existing Law Made by the Bill, as Reported	13

The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Amtrak Transparency and Accountability for Passengers and Taxpayers Act”.

SEC. 2. OPEN MEETINGS.

Section 24301(e) of title 49, United States Code, is amended—

(1) by striking “Section 552 of title 5, this part” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (3), sections 552 and 552b of title 5, this part”;

(2) in the second sentence by striking “Section 552 of title 5, United States Code, applies” and inserting the following:

“(2) **TIMING OF APPLICATION.**—Except as provided in paragraph (3), sections 552 and 552b of title 5 apply”; and

(3) by adding at the end the following:

“(3) **SCOPE OF APPLICATION.**—

“(A) **INFORMATION.**—The requirements of the second sentence of section 552b(b) of title 5 shall not apply to any portion of an Amtrak meeting and subsections (d) and (e) of section 552b of title 5 shall not apply to any information pertaining to any portion of an Amtrak meeting otherwise required by section 552b of title 5 to be disclosed to the public in any case in which Amtrak properly determines that such portion or portions of the meeting or the disclosure of such information is likely to involve—

“(i) contract negotiations, including negotiations for contract procurements and agreements, the disclosure of which would imperil or compromise the competitive position of Amtrak;

“(ii) collective bargaining agreements or any terms and conditions that are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of Amtrak; and

“(iii) with respect to any individual who is a prospective officer, employee, or contractor or an officer, employee, or contractor employed or appointed by Amtrak, matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any such individual, unless all such individuals whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

“(B) **ADDITIONAL APPLICATION.**—In addition to the information described in subparagraph (B), the information described in section 552b(c) shall apply to Amtrak meetings.”.

PURPOSE OF LEGISLATION

The purpose of H.R. 8692 is to require that the Amtrak Board of Directors comply with the open meetings requirements of section 552b of title 5, United States Code, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Government in the Sunshine Act [hereinafter “*Sunshine Act*”] was enacted to build on previous initiatives to open the government’s decision-making process to the public.¹ The goal of the *Sunshine Act* is to address public feelings that decision making, and decision makers, are often incompetent, corrupt, inefficient, or otherwise not in the public’s interest.² In providing greater transparency, the public would have the opportunity to judge the integrity, competence, and dedication of agency officials.³ It could also increase the quality of agency work.⁴

Under the *Sunshine Act*, meetings of certain Federal agencies or Federally controlled entities shall be open to public observation.

¹*The Government in the Sunshine Act*, Pub. L. 94–409, 90 Stat. 1241 at §2. Codified at 5 U.S.C. §552b.

²*The Government in the Sunshine Act*, Report No. 94–354 at 4.

³*Id.*

⁴*Id.* at 5.

There are ten enumerated exemptions to open meeting requirements. Should members of the agency “properly determine” that the meetings or portions of fall under one of the exemptions, they may vote to close the meeting, but shall provide a transcription, recording of minutes of the closed meeting except for those portions dealing with the exemptions.⁵

Generally, the *Sunshine Act* defines a covered “agency” to include executive departments, Government corporations, Government controlled corporations, and independent regulatory agency, among others.⁶ The law applies open meetings requirements to agencies headed by a collegial body . . . a majority of whom are appointed by the President with the advice and consent of the Senate.⁷

While the law establishing Amtrak structured it as a private company and states it “will not be an agency or establishment of the United States Government,”⁸ today all of voting members of its Board of Directors are nominated by the President and confirmed by the Senate.⁹ In addition, the Congress has applied the *Freedom of Information Act* to Amtrak.¹⁰

As the recipient of significant Federal funding, there has been growing Congressional and public interest in Amtrak decision making. H.R. 8692 applies the open meetings requirements of the *Sunshine Act* to meetings of Amtrak’s Board of Directors with certain clarifying language that Amtrak may hold closed meetings to discuss certain sensitive business matters the disclosure of which may imperil or compromise the competitive position of Amtrak, matters related to collective bargaining and personal privacy. H.R. 8692 would improve public transparency of Amtrak Board of Directors decision making.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress the following hearings were used to develop or consider H.R. 8692:

On June 6, 2023, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled *Amtrak Operations: Examining the Challenges and Opportunities for Improving Efficiency and Service*. At the hearing, Members received testimony from Stephen Gardner, Chief Executive Office, Amtrak, and Mitch Warren, Executive Director, Northeast Corridor Commission. The hearing witnesses discussed the current state of Amtrak and plans for growth for passenger rail.

On June 12, 2024, the Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled *Amtrak Intercity Passenger Rail Oversight: Promoting Performance, Safety and Accountability*. At the hearing, Members received testimony from Stephen Gardner, Chief Executive Office, Amtrak, Anthony Coscia, Chair of

⁵Administrative Conference of the United States, *Information Interagency Bulletin No. 017*.

⁶5 U.S.C. § 552(f)(1).

⁷5 U.S.C. § 522b(a)(1).

⁸Rail Passenger Service Act of 1970, Pub. L. 91-518, 84 Stat. 1328 at § 301. This may be an artifact of Congress’s original intent that shares in the newly establish corporation be Amtrak’s founding as profit seeking entity that would raise capital by issuing common and preferred stock to be held by private entities and investors (Id. at § 304(a)) and that seats on the board of directors be held for these shareholders; Id. at 303(a). Today, all of these seats are Presidentially appointed and all voting board members are Senate confirmed.

⁹49 U.S.C. § 24302(a)(1)(c).

¹⁰Pub. L. 92-316, 86 Stat. 227.

the Board of Amtrak, and Julie White, Deputy Secretary for Multimodal Transportation, North Carolina Department of Transportation. The hearing witnesses discussed the current state of Amtrak and measures to improve Amtrak performance and accountability.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 8692, the *Amtrak Transparency and Accountability for Passengers and Taxpayers Act*, was introduced in the United States House of Representatives on June 11, 2024, by Mr. Nehls of Texas and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 8692 was referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials. The Subcommittee on Railroads, Pipelines, and Hazardous Materials were discharged from further consideration of H.R. 8692 on September 18, 2024.

The Committee considered H.R. 8692 on September 18, 2024, and ordered the measure to be favorably reported to the House, as amended, by unanimous consent.

The following amendment was offered:

An Amendment in the Nature of a Substitute (ANS) to H.R. 8692, offered by Mr. Nehls of Texas was AGREED TO by unanimous consent.

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.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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. 8692 from the Director of the Congressional Budget Office:

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the

budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the House Committee on Transportation and Infrastructure during the 118th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

Bill number	Title	Status	Last action	Budget function	Direct spending, 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact
H.R. 1586	Forest Protection and Wildland Firefighter Safety Act of 2023.	Ordered re-reported.	11/15/23	300	0	0	Not estimated	No	No	Yes	Lilia Ledezma
<p>H.R. 1586 would authorize federal, state, local, and tribal firefighting agencies to use approved fire retardants to prevent and suppress wildfires without first obtaining a National Pollutant Discharge Elimination System permit. The bill also would prohibit state courts from issuing injunctions against state or tribal entities' dispersal of aerial fire retardants as part of wildfire suppression or control. CBO estimates that enacting H.R. 1586 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) that would not exceed the annual threshold established in UMRA (\$100 million in 2024, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.</p>											
H.R. 1720	Ocean Pollution Reduction Act II.	Ordered re-reported.	09/18/24	300	0	0	Not estimated	No	No	No	Aurora Swanson
<p>H.R. 1720 would allow the Point Loma Wastewater Treatment Plant in San Diego, California, to discharge water without applying for an exemption from the secondary treatment standards of the National Pollutant Discharge Elimination System if plant meets certain conditions specified in the bill. CBO estimates that enacting H.R. 1720 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>											
H.R. 2892	WARN Act	Ordered re-reported.	09/18/24	800	0	0	Between zero and \$500,000	No	No	No	Matthew Pickford
<p>H.R. 2892 would require the Government Accountability Office within 18 months of enactment to study and report on the effectiveness of the nation's weather emergency alert systems. CBO estimates that enacting H.R. 2892 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2025-2029 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>											

H.R.	Description	Ordered re-ported.	09/18/24	400	0	0	Between zero and \$500,000	No	No	No	Kelly Durand
H.R. 3149	A bill to designate United States Route 20 in the States of Oregon, Idaho, Montana, Wyoming, Nebraska, Iowa, Illinois, Indiana, Ohio, Pennsylvania, New York, and Massachusetts as the "National Medal of Honor Highway" and for other purposes.	Ordered re-ported.	09/18/24	400	0	0	Between zero and \$500,000	No	No	No	Kelly Durand
H.R. 3149	H.R. 3149 would designate U.S. Route 20 as the National Medal of Honor Highway. CBO estimates that enacting H.R. 3149 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2025–2029 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 3988	ARTICLE ONE Act	Ordered re-ported.	09/18/24	800	0	0	Not estimated	Yes	No	No	Kelly Durand
H.R. 3988	H.R. 3988 would amend the National Emergencies Act to limit to 30 days the duration of any national emergency declared by the President unless the Congress subsequently approves or extends the declaration. The bill also would require the President to report to the Congress periodically on the need for and status of declared emergencies. CBO cannot predict the number or timing of future declarations but expects that most would be approved by the Congress. Under H.R. 3988 emergency declarations could have a shorter duration than under current law. If that happens direct spending related to such emergencies would decline. CBO estimates any reduction in direct spending would be insignificant. CBO estimates that enacting the bill would not affect revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 4043	H.R. 4043, a bill to amend the Save Our Seas 2.0 Act to expand eligibility for certain wastewater infrastructure grants, and for other purposes.	Ordered re-ported.	09/18/24	300	0	0	Not estimated	No	No	No	Aurora Swanson
H.R. 4043	H.R. 4043 would expand eligibility for certain wastewater infrastructure grants administered by the Environmental Protection Agency. CBO estimates that enacting H.R. 4043 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										

Bill number	Title	Status	Last action	Budget function	Direct spending, 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact
H.R. 6241	FULL Act	Ordered re-reported.	11/15/23	800	Between zero and \$500,000	0	Not estimated	No	No	No	Matthew Pickford
H.R. 6984	A bill to designate the Federal building located at 300 E. 3rd Street in North Platte, Nebraska, as the "Virginia Smith Federal Building," and for other purposes.	Ordered re-reported.	09/18/24	800	0	0	Between zero and \$500,000	No	No	No	Matthew Pickford
H.R. 7671	Disaster Management Costs Modernization Act.	Ordered re-reported.	09/25/24	450	0	0	Not estimated	No	No	No	Jon Sperl
H.R. 7779	Good Samaritan Re-mediation of Abandoned Hardrock Mines Act of 2024.	Ordered re-reported.	09/18/24	300	Between zero and \$500,000	0	Not estimated	Yes	Insignificant	No	Aurora Swanson

H.R. 7779 would establish a Good Samaritan pilot program and authorize the Environmental Protection Agency to issue permits for projects to remediate mine residue at abandoned hardrock mine sites. The bill would establish a remediation fund for federal agencies to administer projects carried out by Good Samaritans (entities that are not current owners or operators of an abandoned site; had no role in the creation of the mine residue; and are not potentially liable under any law for the remediation, treatment, or control of the mine residue). The spending would be funded by appropriations and by deposits from nonfederal sources, such as donations, agreements for long-term operations and maintenance costs, and insurance proceeds if a Good Samaritan fails to complete a project. The bill also would waive the applicability of all other laws with respect to the use of the fund, including the Antideficiency Act, which could allow amounts to be obligated before expected deposits into the fund are received. However, CBO expects that spending of any such advance obligations would be constrained by amounts ultimately deposited into the fund. On that basis, CBO estimates that enacting H.R. 7779 would increase net direct spending by less than \$500,000 over the 2025–2034 period and have no effect on revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

H.R. 8505	Household Goods Shipping Consumer Protection Act.	Ordered re-reported.	09/18/24	400	0	Between zero and \$500,000	Not estimated	Yes	No	No	Zunara Naeem
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H.R. 8505 would allow the Federal Motor Carrier Safety Administration to assess penalties for entities that illegally ship household goods. The bill also would allow states to enforce and collect fines on such entities. As a result, CBO estimates that enacting H.R. 8505 could increase revenues because those penalties are recorded in the budget as revenues. Because the number of entities affected is likely to be small, CBO estimates that the increase in revenues would be less than \$500,000 over the 2025–2034 period. CBO estimates that enacting the bill would have no effect on direct spending. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

H.R. 8530	Improving Federal Building Security Act of 2024.	Ordered re-reported.	09/18/24	800	Between zero and \$500,000	0	Not estimated	Yes	No	No	Matthew Pickford
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H.R. 8530 would require federal agencies to respond within 90 days to recommendations by the Federal Protective Service, within the Department of Homeland Security (DHS), concerning building security. Agencies could adopt or reject those recommendations but would need to explain their rejections. The bill would require DHS to track recommendations and responses and to report annually to the Congress concerning all recommendations. Enacting H.R. 8530 could increase direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs. CBO estimates that enacting H.R. 8530 would have no effect on revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

H.R. 8692	The Amtrak Transparency and Accountability for Passengers and Taxpayer Act.	Ordered re-reported.	09/18/24	400	0	0	0	No	No	Yes	Zunara Naeem
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H.R. 8692 would require Amtrak to hold open meetings in accordance with current requirements for most federal agencies. Because Amtrak is considered a nonfederal entity, CBO estimates that enacting H.R. 8692 would have no effect on the federal budget. The bill would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) that would not exceed the annual threshold established in UMRA (\$200 million in 2024, adjusted annually for inflation). The bill contains no intergovernmental mandates as defined in UMRA.

H.R. 8995	Baby Changing on Board Act.	Ordered re-reported.	09/18/24	400	0	0	0	No	No	Yes	Kelly Durand
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Bill number	Title	Status	Last action	Budget function	Direct spending, 2025-2034	Revenues, 2025-2034	Spending subject to appropriation, 2025-2029	Pay-as-you-go procedures apply?	Budgetary effects after 2034	Mandates	Contact	
	<p>H.R. 8995 would require Amtrak trains purchased after the bill's enactment to include baby-changing tables in all train restrooms that are subject to the requirements of the Americans With Disabilities Act of 1990. Because Amtrak is considered a nonfederal entity, CBO estimates that enacting H.R. 8995 would have no effect on the federal budget. The bill would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) that would not exceed the threshold established in UMRA (\$200 million in 2024, adjusted annually for inflation). The bill contains no intergovernmental mandates as defined in UMRA.</p>											
H.R. 9024	Extreme Weather and Heat Response Modernization Act.	Ordered re-reported.	09/18/24	450	0	0	Not estimated	No	No	No	Jon Sperl	
	<p>H.R. 9024 would require the Federal Emergency Management Agency (FEMA) to issue guidance for disaster relief programs concerning extreme-temperature events and to consider innovative preparedness and mitigation projects for such disasters in its grantmaking. The bill also would require FEMA to convene an advisory panel to review the definition of incident periods for extreme-temperature events and to issue regulations revising those periods. Finally, the bill would require FEMA to study the effects of extreme-temperature disasters, develop guidance and best practices for responding to such events, and report to the Congress. CBO estimates that enacting H.R. 9024 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>											
H.R. 9313	Think Differently About Building Accessibility Act.	Ordered re-reported.	09/18/24	800	0	0	Between zero and \$500,000	No	No	No	Matthew Pickford	
	<p>H.R. 9313 would direct the Government Accountability Office to report to the Congress concerning accessibility for people with disabilities in all office buildings controlled by the General Services Administration. CBO estimates that enacting H.R. 9313 would not affect direct spending or revenues. CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2025-2029 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>											
H.R. 9541	POWER Act of 2024	Ordered re-reported.	09/18/24	450	0	0	Not estimated	No	No	No	Jon Sperl	
	<p>H.R. 9541 would authorize electric utilities that receive disaster assistance from the Federal Emergency Management Agency for emergency power restoration to implement mitigation activities as part of power restoration. Those actions would not disqualify utilities from receiving mitigation assistance under the Public Assistance Program. CBO estimates that enacting H.R. 9541 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.</p>											
H.R. 9591	A bill to require the Administrator of General Services to sell certain property related to United States Penitentiary, Leavenworth, and for other purposes.	Ordered re-reported.	09/18/24	800	Between -\$500,000 and zero	0	Not estimated	No	No	No	Emma Uebelhor	

H.R. 9591 would require the General Services Administration (GSA) to sell any property in the State of Missouri associated with the Federal Correctional Institution, Leavenworth, which is located in Kansas. Net proceeds from the sale would be deposited into the Federal Buildings Fund and recorded in the budget as offsetting receipts (that is, as reductions in direct spending). Using information from GSA, CBO estimates that the property could be sold for about \$500,000; therefore, CBO estimates that enacting H.R. 9591 would decrease direct spending by an insignificant amount. CBO estimates that enacting the bill would not affect revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

H.R. 9750	Natural Disaster Recovery Program Act of 2024	Ordered re-	09/25/24	450	0	0	Not estimated	No	No	No	Jon Spertl
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H.R. 9750 would create a Natural Disaster Recovery Fund, to be administered by the Federal Emergency Management Agency, from which the agency would make grants to state and tribal governments to cover unmet needs following major disasters. Those governments would determine how funds are spent. The bill also would expand the availability of disaster assistance for housing repairs and require several reports related to disaster recovery programs. CBO estimates that enacting H.R. 9750 would not affect direct spending or revenues. CBO has not estimated the bill's effects on spending subject to appropriation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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 provide apply the *Sunshine Act* to Amtrak's Board of Directors.

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. 8692 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. 8692 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are 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 states that this Act may be cited as the “Amtrak Transparency and Accountability for Passengers and Taxpayers Act.”

Section 2. Open meetings

This section applies *Sunshine Act* open meetings requirements [5 U.S.C. 552b] with a public virtual observation option to meetings of Amtrak’s Board of Directors and includes clarifying language that Amtrak may hold closed meetings to discuss certain sensitive business matters the disclosure of which may imperil or compromise the competitive position of Amtrak, matters related to collective bargaining and personal privacy.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE V—RAIL PROGRAMS

* * * * *

PART C—PASSENGER TRANSPORTATION

* * * * *

CHAPTER 243—AMTRAK

* * * * *

§ 24301. Status and applicable laws

(a) STATUS.—Amtrak—

(1) is a railroad carrier under section 20102(2) and chapters 261 and 281 of this title;

(2) shall be operated and managed as a for-profit corporation; and

(3) is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31.

(b) **PRINCIPAL OFFICE AND PLACE OF BUSINESS.**—The principal office and place of business of Amtrak are in the District of Columbia. Amtrak is qualified to do business in each State in which Amtrak carries out an activity authorized under this part. Amtrak shall accept service of process by certified mail addressed to the secretary of Amtrak at its principal office and place of business. Amtrak is a citizen only of the District of Columbia when deciding original jurisdiction of the district courts of the United States in a civil action.

(c) **APPLICATION OF SUBTITLE IV.**—Subtitle IV of this title shall not apply to Amtrak, except for sections 11123, 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.

(d) **APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.**—Laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier subject to part A of subtitle IV of this title apply to Amtrak.

(e) **APPLICATION OF CERTAIN ADDITIONAL LAWS.**—**[Section 552 of title 5, this part]**

(1) *IN GENERAL.*—*Except as provided in paragraph (3), sections 552 and 552b of title 5, this part, and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code § 29–301 et seq.) apply to Amtrak. [Section 552 of title 5, United States Code, applies]*

(2) *TIMING OF APPLICATION.*—*Except as provided in paragraph (3), sections 552 and 552b of title 5 apply to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.*

(3) *SCOPE OF APPLICATION.*—

(A) *INFORMATION.*—*The requirements of the second sentence of section 552b(b) of title 5 shall not apply to any portion of an Amtrak meeting and subsections (d) and (e) of section 552b of title 5 shall not apply to any information pertaining to any portion of an Amtrak meeting otherwise required by section 552b of title 5 to be disclosed to the public in any case in which Amtrak properly determines that such portion or portions of the meeting or the disclosure of such information is likely to involve—*

(i) *contract negotiations, including negotiations for contract procurements and agreements, the disclosure of which would imperil or compromise the competitive position of Amtrak;*

(ii) *collective bargaining agreements or any terms and conditions that are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of Amtrak; and*

(iii) *with respect to any individual who is a prospective officer, employee, or contractor or an officer, employee, or contractor employed or appointed by Amtrak, matters involving the employment, appointment, termi-*

nation of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any such individual, unless all such individuals whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

(B) *ADDITIONAL APPLICATION.*—*In addition to the information described in subparagraph (B), the information described in section 552b(c) shall apply to Amtrak meetings.*

(f) **TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.**—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.

(g) **NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.**—A State or other law related to rates, routes, or service does not apply to Amtrak in connection with rail passenger transportation.

(h) **NONAPPLICATION OF PAY PERIOD LAWS.**—A State or local law related to pay periods or days for payment of employees does not apply to Amtrak. Except when otherwise provided under a collective bargaining agreement, an employee of Amtrak shall be paid at least as frequently as the employee was paid on October 1, 1979.

(i) **PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.**—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak to employ a specified number of individuals to perform a particular task, function, or operation.

(j) **NONAPPLICATION OF LAWS ON JOINT USE OR OPERATION OF FACILITIES AND EQUIPMENT.**—Prohibitions of law applicable to an agreement for the joint use or operation of facilities and equipment necessary to provide quick and efficient rail passenger transportation do not apply to a person making an agreement with Amtrak to the extent necessary to allow the person to make and carry out obligations under the agreement.

(k) **EXEMPTION FROM ADDITIONAL TAXES.**—(1) In this subsection—

(A) “additional tax” means a tax or fee—

(i) on the acquisition, improvement, ownership, or operation of personal property by Amtrak; and

(ii) on real property, except a tax or fee on the acquisition of real property or on the value of real property not attributable to improvements made, or the operation of those improvements, by Amtrak.

(B) “Amtrak” includes a rail carrier subsidiary of Amtrak and a lessor or lessee of Amtrak or one of its rail carrier subsidiaries.

(2) Amtrak is not required to pay an additional tax because of an expenditure to acquire or improve real property, equipment, a facility, or right-of-way material or structures used in providing rail passenger transportation, even if that use is indirect.

(1) **EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1981.**—(1) **IN GENERAL.**—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from a tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing

authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom after September 30, 1981. In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.

(2) The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this subsection and may grant equitable or declaratory relief requested by Amtrak.

(m) WASTE DISPOSAL.—(1) An intercity rail passenger car manufactured after October 14, 1990, shall be built to provide for the discharge of human waste only at a servicing facility. Amtrak shall retrofit each of its intercity rail passenger cars that was manufactured after May 1, 1971, and before October 15, 1990, with a human waste disposal system that provides for the discharge of human waste only at a servicing facility. Subject to appropriations—

(A) the retrofit program shall be completed not later than October 15, 2001; and

(B) a car that does not provide for the discharge of human waste only at a servicing facility shall be removed from service after that date.

(2) Section 361 of the Public Health Service Act (42 U.S.C. 264) and other laws of the United States, States, and local governments do not apply to waste disposal from rail carrier vehicles operated in intercity rail passenger transportation. The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this paragraph and may grant equitable or declaratory relief requested by Amtrak.

(n) RAIL TRANSPORTATION TREATED EQUALLY.—When authorizing transportation in the continental United States for an officer, employee, or member of the uniformed services of a department, agency, or instrumentality of the Government, the head of that department, agency, or instrumentality shall consider rail transportation (including transportation by extra-fare trains) the same as transportation by another authorized mode. The Administrator of General Services shall include Amtrak in the contract air program of the Administrator in markets in which transportation provided by Amtrak is competitive with other carriers on fares and total trip times.

(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.

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