

105TH CONGRESS
1ST SESSION

H. R. 2205

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. OBERSTAR (for himself and Mr. WISE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amtrak Reform and
5 Privatization Act of 1997”.

TITLE I—PROCUREMENT REFORMS

3 SEC. 101. CONTRACTING PRACTICES.

4 (a) BELOW-COST COMPETITION.—Section 24305(b)
5 of title 49, United States Code, is amended to read as
6 follows:

7 “(b) BELOW-COST COMPETITION.—(1) Amtrak shall
8 not submit any bid for the performance of services under
9 a contract for an amount less than the cost to Amtrak
10 of performing such services, with respect to any activity
11 other than the provision of intercity rail passenger trans-
12 portation, commuter rail passenger transportation, or mail
13 or express transportation. For purposes of this subsection,
14 the cost to Amtrak of performing services shall be deter-
15 mined using generally accepted accounting principles for
16 contracting.

17 “(2) Any aggrieved individual may commence a civil
18 action for violation of paragraph (1). The United States
19 district courts shall have jurisdiction, without regard to
20 the amount in controversy or the citizenship of the parties,
21 to enforce paragraph (1). The court, in issuing any final
22 order in any action brought pursuant to this paragraph,
23 may award bid preparation costs, anticipated profits, and
24 litigation costs, including reasonable attorney and expert
25 witness fees, to any prevailing or substantially prevailing

1 party. The court may, if a temporary restraining order
2 or preliminary injunction is sought, require the filing of
3 a bond or equivalent security in accordance with the Fed-
4 eral Rules of Civil Procedure.

5 “(3) This subsection shall cease to be effective on the
6 expiration of a fiscal year during which no Federal operat-
7 ing assistance is provided to Amtrak.”.

8 (b) THROUGH SERVICE IN CONJUNCTION WITH
9 INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of
10 title 49, United States Code, is amended by adding at the
11 end the following new paragraph:

12 “(3)(A) Except as provided in subsection (d)(2), Am-
13 trak may enter into a contract with a motor carrier of
14 passengers for the intercity transportation of passengers
15 by motor carrier over regular routes only—

16 “(i) if the motor carrier is not a public recipient
17 of governmental assistance, as such term is defined
18 in section 13902(b)(8)(A) of this title, other than a
19 recipient of funds under section 5311 of this title;

20 “(ii) for passengers who have had prior move-
21 ment by rail or will have subsequent movement by
22 rail; and

23 “(iii) if the buses, when used in the provision
24 of such transportation, are used exclusively for the
25 transportation of passengers described in clause (ii).

1 “(B) Subparagraph (A) shall not apply to transpor-
2 tation funded predominantly by a State or local govern-
3 ment, or to ticket selling agreements.”.

4 (2) Section 24305(d) of title 49, United States Code,
5 is amended by adding at the end the following new para-
6 graph:

7 “(3) Congress encourages Amtrak and motor com-
8 mon carriers of passengers to use the authority conferred
9 in sections 11322 and 14302 of this title for the purpose
10 of providing improved service to the public and economy
11 of operation.”.

12 **SEC. 102. FREEDOM OF INFORMATION ACT.**

13 Section 24301(e) of title 49, United States Code, is
14 amended by striking “Section 552 of title 5, this part,”
15 and inserting in lieu thereof “This part”.

16 **SEC. 103. TRACK WORK.**

17 (a) OUTREACH PROGRAM.—Amtrak shall, within one
18 year after the date of the enactment of this Act, establish
19 an outreach program through which it will work with track
20 work manufacturers in the United States to increase the
21 likelihood that such manufacturers will be able to meet
22 Amtrak’s specifications for track work. The program shall
23 include engineering assistance for the manufacturers and
24 dialogue between Amtrak and the manufacturers to iden-

1 tify how Amtrak’s specifications can be met by the capa-
 2 bilities of the manufacturers.

3 (b) ANNUAL REPORT.—Amtrak shall report to the
 4 Congress within 2 years after the date of the enactment
 5 of this Act on progress made under subsection (a), includ-
 6 ing a statement of the percentage of Amtrak’s track work
 7 contracts that are awarded to manufacturers in the United
 8 States.

9 **TITLE II—OPERATIONAL** 10 **REFORMS**

11 **SEC. 201. BASIC SYSTEM.**

12 (a) OPERATION OF BASIC SYSTEM.—Section 24701
 13 of title 49, United States Code, and the item relating
 14 thereto in the table of sections of chapter 247 of such title,
 15 are repealed.

16 (b) IMPROVING RAIL PASSENGER TRANSPOR-
 17 TATION.—Section 24702 of title 49, United States Code,
 18 and the item relating thereto in the table of sections of
 19 chapter 247 of such title, are repealed.

20 (c) DISCONTINUANCE.—Section 24706 of title 49,
 21 United States Code, is amended—

22 (1) in subsection (a)(1)—

23 (A) by striking “90 days” and inserting in
 24 lieu thereof “180 days”;

1 (B) by striking “a discontinuance under
2 section 24704 or 24707(a) or (b) of this title”
3 and inserting in lieu thereof “discontinuing
4 service over a route”; and

5 (C) by inserting “or assume” after “agree
6 to share”;

7 (2) in subsection (a)(2), by striking “section
8 24704 or 24707(a) or (b) of this title” and inserting
9 in lieu thereof “paragraph (1)”; and

10 (3) by striking subsection (b).

11 (d) COST AND PERFORMANCE REVIEW.—Section
12 24707 of title 49, United States Code, and the item relat-
13 ing thereto in the table of sections of chapter 247 of such
14 title, are repealed.

15 (e) SPECIAL COMMUTER TRANSPORTATION.—Section
16 24708 of title 49, United States Code, and the item relat-
17 ing thereto in the table of sections of chapter 247 of such
18 title, are repealed.

19 (f) CONFORMING AMENDMENT.—Section
20 24312(a)(1) of title 49, United States Code, is amended
21 by striking “, 24701(a),”.

1 **SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**
2 **TATION.**

3 (a) REPEAL.—Section 24306 of title 49, United
4 States Code, and the item relating thereto in the table of
5 sections of chapter 243 of such title, are repealed.

6 (b) CONFORMING AMENDMENT.—Section 24301 of
7 title 49, United States Code, is amended by adding at the
8 end the following new subsection:

9 “(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—
10 State and local laws and regulations that impair the provi-
11 sion of mail, express, and auto-ferry transportation do not
12 apply to Amtrak or a rail carrier providing mail, express,
13 or auto-ferry transportation.”.

14 **SEC. 203. ROUTE AND SERVICE CRITERIA.**

15 Section 24703 of title 49, United States Code, and
16 the item relating thereto in the table of sections of chapter
17 247 of such title, are repealed.

18 **SEC. 204. ADDITIONAL QUALIFYING ROUTES.**

19 Section 24705 of title 49, United States Code, and
20 the item relating thereto in the table of sections of chapter
21 247 of such title, are repealed.

22 **SEC. 205. TRANSPORTATION REQUESTED BY STATES, AU-**
23 **THORITIES, AND OTHER PERSONS.**

24 (a) REPEAL.—Section 24704 of title 49, United
25 States Code, and the item relating thereto in the table of
26 sections of chapter 247 of such title, are repealed.

1 (b) EXISTING AGREEMENTS.—Amtrak shall not,
 2 after the date of the enactment of this Act, be required
 3 to provide transportation services pursuant to an agree-
 4 ment entered into before such date of enactment under
 5 the section repealed by subsection (a) of this section.

6 (c) STATE, REGIONAL, AND LOCAL COOPERATION.—
 7 Section 24101(c)(2) of title 49, United States Code, is
 8 amended by inserting “, separately or in combination,”
 9 after “and the private sector”.

10 (d) CONFORMING AMENDMENT.—Section
 11 24312(a)(1) of title 49, United States Code, is amended
 12 by striking “or 24704(b)(2)”.

13 **SEC. 206. AMTRAK COMMUTER.**

14 (a) REPEAL OF CHAPTER 245.—Chapter 245 of title
 15 49, United States Code, and the item relating thereto in
 16 the table of chapters of subtitle V of such title, are re-
 17 pealed.

18 (b) CONFORMING AMENDMENTS.—(1) Section
 19 24301(f) of title 49, United States Code, is amended to
 20 read as follows:

21 “(f) TAX EXEMPTION FOR CERTAIN COMMUTER AU-
 22 THORITIES.—A commuter authority that was eligible to
 23 make a contract with Amtrak Commuter to provide com-
 24 muter rail passenger transportation but which decided to
 25 provide its own rail passenger transportation beginning

1 January 1, 1983, is exempt, effective October 1, 1981,
 2 from paying a tax or fee to the same extent Amtrak is
 3 exempt.”.

4 (2) Subsection (a) of this section shall not affect any
 5 trackage rights held by Amtrak or the Consolidated Rail
 6 Corporation.

7 **SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST**
 8 **CORRIDOR.**

9 (a) DETERMINATION OF COMPENSATION.—Section
 10 24904 of title 49, United States Code, is amended—

11 (1) by striking subsection (b);

12 (2) by redesignating subsection (c) as sub-
 13 section (b);

14 (3) in subsection (b), as so redesignated by
 15 paragraph (2) of this subsection—

16 (A) by striking “TRANSPORTATION OVER
 17 CERTAIN RIGHTS OF WAY AND FACILITIES” in
 18 the subsection head and inserting in lieu thereof
 19 “FREIGHT TRANSPORTATION”;

20 (B) by inserting “relating to rail freight
 21 transportation” after “subsection (a)(6) of this
 22 section” in paragraph (1); and

23 (C) by inserting “to an agreement de-
 24 scribed in paragraph (1)” after “If the parties”
 25 in paragraph (2); and

1 (4) by inserting after subsection (b), as so re-
2 designated by paragraph (2) of this subsection, the
3 following new subsection:

4 “(c) BINDING ARBITRATION FOR COMMUTER DIS-
5 PUTES.—(1) If the parties to an agreement described in
6 subsection (a)(6) relating to commuter rail passenger
7 transportation cannot agree to the terms of such agree-
8 ment, such parties shall submit the issues in dispute to
9 binding arbitration.

10 “(2) The parties to a dispute described in paragraph
11 (1) may agree to use the Surface Transportation Board
12 to arbitrate such dispute, and if requested the Surface
13 Transportation Board shall perform such function.”.

14 (b) PRIVATIZATION.—Section 24101(d) of title 49,
15 United States Code, is amended to read as follows:

16 “(d) MINIMIZING GOVERNMENT SUBSIDIES.—To
17 carry out this part, Amtrak is encouraged to make agree-
18 ments with the private sector and undertake initiatives
19 that are consistent with good business judgment, that
20 produce income to minimize Government subsidies, and
21 that promote the potential privatization of Amtrak’s oper-
22 ations.”.

23 **SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.**

24 Section 24315 of title 49, United States Code, is
25 amended—

1 (1) in subsection (e), by inserting “financial or”
2 after “Comptroller General may conduct”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(h) ACCESS TO RECORDS AND ACCOUNTS.—A State
6 shall have access to Amtrak’s records, accounts, and other
7 necessary documents used to determine the amount of any
8 payment to Amtrak required of the State.”.

9 **TITLE III—FINANCIAL REFORMS**

10 **SEC. 301. FINANCIAL POWERS.**

11 (a) CAPITALIZATION.—(1) Section 24304 of title 49,
12 United States Code, is amended to read as follows:

13 **“§ 24304. Employee stock ownership plans**

14 “In issuing stock pursuant to applicable corporate
15 law, Amtrak is encouraged to include employee stock own-
16 ership plans.”.

17 (2) The item relating to section 24304 of title 49,
18 United States Code, in the table of sections of chapter 243
19 of such title is amended to read as follows:

“24304. Employee stock ownership plans.”.

20 (b) REDEMPTION OF COMMON STOCK.—(1) Amtrak
21 shall, within 2 months after the date of the enactment of
22 this Act, redeem all common stock previously issued, for
23 the fair market value of such stock.

24 (2) Amtrak shall redeem any such common stock held
25 after the expiration of the 2-month period described in

1 paragraph (1), using procedures set forth in section
2 24311(a) and (b).

3 (c) ELIMINATION OF LIQUIDATION PREFERENCE
4 AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A)
5 Preferred stock of Amtrak held by the Secretary of Trans-
6 portation shall confer no liquidation preference.

7 (B) Subparagraph (A) shall take effect 90 days after
8 the date of the enactment of this Act.

9 (2)(A) Preferred stock of Amtrak held by the Sec-
10 retary of Transportation shall confer no voting rights.

11 (B) Subparagraph (A) shall take effect 60 days after
12 the date of the enactment of this Act.

13 (d) NOTE AND MORTGAGE.—(1) Section 24907 of
14 title 49, United States Code, and the item relating thereto
15 in the table of sections of chapter 249 of such title, are
16 repealed.

17 (2) The United States hereby relinquishes all rights
18 held in connection with any note obtained or mortgage
19 made under such section 24907, or in connection with the
20 note, security agreement, and terms and conditions related
21 thereto entered into with Amtrak dated October 5, 1983.

22 (3) No amount shall be includible in Amtrak's gross
23 income for Federal tax purposes as a result of the applica-
24 tion of this subsection or subsection (c).

1 (e) STATUS AND APPLICABLE LAWS.—(1) Section
 2 24301(a)(3) of title 49, United States Code, is amended
 3 by inserting “, and shall not be subject to title 31, United
 4 States Code” after “United States Government”.

5 (2) Section 9101(2) of title 31, United States Code,
 6 relating to Government corporations, is amended by strik-
 7 ing subparagraph (A) and redesignating subparagraphs
 8 (B) through (L) as subparagraphs (A) through (K), re-
 9 spectively.

10 **SEC. 302. DISBURSEMENT OF FEDERAL FUNDS.**

11 Section 24104(d) of title 49, United States Code, is
 12 amended to read as follows:

13 “(d) ADMINISTRATION OF APPROPRIATIONS.—Fed-
 14 eral operating assistance funds appropriated to Amtrak
 15 shall be provided to Amtrak upon appropriation when re-
 16 quested by Amtrak.”.

17 **SEC. 303. BOARD OF DIRECTORS.**

18 (a) AMENDMENT.—Section 24302 of title 49, United
 19 States Code, is amended to read as follows:

20 **“§ 24302. Board of Directors**

21 “(a) EMERGENCY REFORM BOARD.—

22 “(1) ESTABLISHMENT AND DUTIES.—The
 23 Emergency Reform Board described in paragraph
 24 (2) shall assume the responsibilities of the Board of
 25 Directors of Amtrak 60 days after the date of the

1 enactment of the Amtrak Reform and Privatization
2 Act of 1997, or as soon thereafter as such Board is
3 sufficiently constituted to function as a board of di-
4 rectors under applicable corporate law. Such Board
5 shall adopt new bylaws, including procedures for the
6 selection of members of the Board of Directors
7 under subsection (c) which provide for employee rep-
8 resentation.

9 “(2) MEMBERSHIP.—(A) The Emergency Re-
10 form Board shall consist of 7 members appointed by
11 the President, by and with the advice and consent
12 of the Senate.

13 “(B) In selecting individuals for nominations
14 for appointments to the Emergency Reform Board,
15 the President should consult with—

16 “(i) the Speaker of the House of Rep-
17 resentatives concerning the appointment of two
18 members;

19 “(ii) the minority leader of the House of
20 Representatives concerning the appointment of
21 one member;

22 “(iii) the majority leader of the Senate
23 concerning the appointment of two members;
24 and

1 “(iv) the minority leader of the Senate con-
2 cerning the appointment of one member.

3 “(C) Appointments under subparagraph (A)
4 shall be made from among individuals who—

5 “(i) have technical qualification, profes-
6 sional standing, and demonstrated expertise in
7 the fields of intercity common carrier transpor-
8 tation and corporate management; and

9 “(ii) are not employees of Amtrak, employ-
10 ees of the United States, or representatives of
11 rail labor or rail management.

12 “(b) DIRECTOR GENERAL.—If the Emergency Re-
13 form Board described in subsection (a)(2) is not suffi-
14 ciently constituted to function as a board of directors
15 under applicable corporate law before the expiration of 60
16 days after the date of the enactment of the Amtrak Re-
17 form and Privatization Act of 1997, the special court es-
18 tablished under section 209(b) of the Regional Rail Reor-
19 ganization Act of 1973 (45 U.S.C. 719(b)) shall appoint
20 a Director General, who shall exercise all powers of the
21 Board of Directors of Amtrak until the Emergency Re-
22 form Board assumes such powers.

23 “(c) BOARD OF DIRECTORS.—Four years after the
24 establishment of the Emergency Reform Board under sub-
25 section (a), a Board of Directors shall be selected pursu-

1 ant to bylaws adopted by the Emergency Reform Board,
 2 and the Emergency Reform Board shall be dissolved.”.

3 (b) EFFECT ON AUTHORIZATIONS.—If the Emer-
 4 gency Reform Board has not assumed the responsibilities
 5 of the Board of Directors of Amtrak before March 15,
 6 1998, all provisions authorizing appropriations under the
 7 amendments made by section 501 of this Act for a fiscal
 8 year after fiscal year 1998 shall cease to be effective.

9 **SEC. 304. REPORTS AND AUDITS.**

10 Section 24315 of title 49, United States Code, as
 11 amended by section 208 of this Act, is further amended—

12 (1) by striking subsections (a) and (c);

13 (2) by redesignating subsections (b), (d), (e),
 14 (f), (g), and (h) as subsections (a), (b), (c), (d), (e),
 15 and (f), respectively; and

16 (3) in subsection (d), as so redesignated by
 17 paragraph (2) of this section, by striking “(d) or
 18 (e)” and inserting in lieu thereof “(b) or (c)”.

19 **SEC. 305. OFFICERS’ PAY.**

20 Section 24303(b) of title 49, United States Code, is
 21 amended by inserting “The preceding sentence shall cease
 22 to be effective on the expiration of a fiscal year during
 23 which no Federal operating assistance is provided to Am-
 24 trak.” after “with comparable responsibility.”.

1 **SEC. 306. EXEMPTION FROM TAXES.**

2 Section 24301(l)(1) of title 49, United States Code,
3 is amended—

4 (1) by inserting “, and any passenger or other
5 customer of Amtrak or such subsidiary,” after “sub-
6 sidiary of Amtrak”;

7 (2) by striking “or fee imposed” and all that
8 follows through “levied on it” and inserting in lieu
9 thereof “, fee, head charge, or other charge, imposed
10 or levied by a State, political subdivision, or local
11 taxing authority, directly or indirectly on Amtrak or
12 on persons traveling in intercity rail passenger
13 transportation or on mail or express transportation
14 provided by Amtrak or a rail carrier subsidiary of
15 Amtrak, or on the carriage of such persons, mail, or
16 express, or on the sale of any such transportation,
17 or on the gross receipts derived therefrom”; and

18 (3) by amending the last sentence thereof to
19 read as follows: “In the case of a tax or fee that
20 Amtrak was required to pay as of September 10,
21 1982, Amtrak is not exempt from such tax or fee if
22 it was assessed before April 1, 1997.”.

23 **TITLE IV—MISCELLANEOUS**

24 **SEC. 401. TEMPORARY RAIL ADVISORY COUNCIL.**

25 (a) APPOINTMENT.—Within 30 days after the date
26 of the enactment of this Act, a Temporary Rail Advisory

1 Council (in this section referred to as the “Council”) shall
2 be appointed under this section.

3 (b) DUTIES.—The Council shall—

4 (1) evaluate Amtrak’s performance;

5 (2) prepare an analysis and critique of Am-
6 trak’s business plan;

7 (3) suggest strategies for further cost contain-
8 ment and productivity improvements, including
9 strategies with the potential for further reduction in
10 Federal operating subsidies and the eventual partial
11 or complete privatization of Amtrak’s operations;
12 and

13 (4) recommend appropriate methods for adop-
14 tion of uniform cost and accounting procedures
15 throughout the Amtrak system, based on generally
16 accepted accounting principles.

17 (c) MEMBERSHIP.—(1) The Council shall consist of
18 7 members appointed as follows:

19 (A) Two individuals to be appointed by the
20 Speaker of the House of Representatives.

21 (B) One individual to be appointed by the mi-
22 nority leader of the House of Representatives.

23 (C) Two individuals to be appointed by the ma-
24 jority leader of the Senate.

1 (D) One individual to be appointed by the mi-
2 nority leader of the Senate.

3 (E) One individual to be appointed by the
4 President.

5 (2) Appointments under paragraph (1) shall be made
6 from among individuals who—

7 (A) have technical qualification, professional
8 standing, and demonstrated expertise in the fields of
9 transportation and corporate management; and

10 (B) are not employees of Amtrak, employees of
11 the United States, or representatives of rail labor or
12 rail management.

13 (3) Within 40 days after the date of the enactment
14 of this Act, a majority of the members of the Council shall
15 elect a chairman from among such members.

16 (d) TRAVEL EXPENSES.—Each member of the Coun-
17 cil shall serve without pay, but shall receive travel ex-
18 penses, including per diem in lieu of subsistence, in ac-
19 cordance with sections 5702 and 5703 of title 5, United
20 States Code.

21 (e) ADMINISTRATIVE SUPPORT.—The Secretary of
22 Transportation shall provide to the Council such adminis-
23 trative support as the Council requires to carry out this
24 section.

1 (f) ACCESS TO INFORMATION.—Amtrak shall make
2 available to the Council all information the Council re-
3 quires to carry out this section. The Council shall establish
4 appropriate procedures to ensure against the public disclo-
5 sure of any information obtained under this subsection
6 which is a trade secret or commercial or financial informa-
7 tion that is privileged or confidential.

8 (g) REPORTS.—(1) Within 120 days after the date
9 of the enactment of this Act, the Council shall transmit
10 to the Amtrak board of directors and the Congress an in-
11 terim report on its findings and recommendations.

12 (2) Within 270 days after the date of the enactment
13 of this Act, the Council shall transmit to the Amtrak
14 board of directors and the Congress a final report on its
15 findings and recommendations.

16 (h) STATUS.—The Council shall not be subject to the
17 Federal Advisory Committee Act (5 U.S.C. App.) or sec-
18 tion 552 of title 5, United States Code (commonly referred
19 to as the Freedom of Information Act).

20 **SEC. 402. PRINCIPAL PLACE OF BUSINESS.**

21 Section 24301(b) of title 49, United States Code, is
22 amended—

23 (1) by striking the first sentence;

1 (2) by striking “of the District of Columbia”
2 and inserting in lieu thereof “of the State in which
3 its principal place of business is located”; and

4 (3) by inserting “For purposes of this sub-
5 section, the term ‘State’ includes the District of Co-
6 lumbia. Notwithstanding section 3 of the District of
7 Columbia Business Corporation Act, Amtrak, if its
8 principal place of business is located in the District
9 of Columbia, shall be considered organized under the
10 provisions of such Act.” after “in a civil action.”.

11 **SEC. 403. STATUS AND APPLICABLE LAWS.**

12 Section 24301 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a)(1), by striking “rail car-
15 rier under section 10102” and inserting in lieu
16 thereof “railroad carrier under section 20102(2) and
17 chapters 261 and 281”; and

18 (2) by amending subsection (c) to read as fol-
19 lows:

20 “(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of
21 this title shall not apply to Amtrak, except for sections
22 11301, 11322(a), 11502, and 11706. Notwithstanding the
23 preceding sentence, Amtrak shall continue to be consid-
24 ered an employer under the Railroad Retirement Act of

1 1974, the Railroad Unemployment Insurance Act, and the
2 Railroad Retirement Tax Act.”.

3 **SEC. 404. WASTE DISPOSAL.**

4 Section 24301(m)(1)(A) of title 49, United States
5 Code, is amended by striking “1996” and inserting in lieu
6 thereof “2001”.

7 **SEC. 405. ASSISTANCE FOR UPGRADING FACILITIES.**

8 Section 24310 of title 49, United States Code, and
9 the item relating thereto in the table of sections of chapter
10 243 of such title, are repealed.

11 **SEC. 406. RAIL SAFETY SYSTEM PROGRAM.**

12 Section 24313 of title 49, United States Code, and
13 the item relating thereto in the table of sections of chapter
14 243 of such title, are repealed.

15 **SEC. 407. DEMONSTRATION OF NEW TECHNOLOGY.**

16 Section 24314 of title 49, United States Code, and
17 the item relating thereto in the table of sections of chapter
18 243 of such title, are repealed.

19 **SEC. 408. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**
20 **MAIN LINE.**

21 (a) REPEAL.—Section 24903 of title 49, United
22 States Code, and the item relating thereto in the table of
23 sections of chapter 249 of such title, are repealed.

1 (b) CONFORMING AMENDMENT.—Section
2 24902(a)(1)(A) of title 49, United States Code, is amend-
3 ed by striking “and 40 minutes”.

4 **SEC. 409. BOSTON-NEW HAVEN ELECTRIFICATION**
5 **PROJECT.**

6 Section 24902(f) of title 49, United States Code, is
7 amended—

8 (1) by inserting “(1)” before “Improvements
9 under”; and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) Amtrak shall design and construct the elec-
13 trification system between Boston, Massachusetts, and
14 New Haven, Connecticut, to accommodate the installation
15 of a third mainline track between Davisville and Central
16 Falls, Rhode Island, to be used for double-stack freight
17 service to and from the Port of Davisville. Amtrak shall
18 also make clearance improvements on the existing main
19 line tracks to permit double stack service on this line, if
20 funds to defray the costs of clearance improvements be-
21 yond Amtrak’s own requirements for electrified passenger
22 service are provided by public or private entities other
23 than Amtrak. Wherever practicable, Amtrak shall use por-
24 tal structures and realign existing tracks on undergrade
25 and overgrade bridges to minimize the width of the right-

1 of-way required to add the third track. Amtrak shall take
2 such other steps as may be required to coordinate and fa-
3 cilitate design and construction work. The Secretary of
4 Transportation may provide appropriate support to Am-
5 trak for carrying out this paragraph.”.

6 **SEC. 410. AMERICANS WITH DISABILITIES ACT OF 1990.**

7 (a) APPLICATION TO AMTRAK.—Amtrak, and with
8 respect only to the facilities it jointly uses with Amtrak,
9 a commuter authority, shall not be subject to any require-
10 ment under section 242(a) (1) and (3) and (e)(2) of the
11 Americans With Disabilities Act of 1990 (42 U.S.C.
12 12162(a) (1) and (3) and (e)(2)) until January 1, 1998.
13 For stations jointly used by Amtrak and a commuter au-
14 thority, this subsection shall not affect the allocation of
15 costs between Amtrak and the commuter authority relat-
16 ing to accessibility improvements.

17 (b) CONFORMING AMENDMENT.—Section 24307 of
18 title 49, United States Code, is amended—

19 (1) by striking subsection (b); and

20 (2) by redesignating subsection (c) as sub-
21 section (b).

22 **SEC. 411. DEFINITIONS.**

23 Section 24102 of title 49, United States Code, is
24 amended—

25 (1) by striking paragraphs (2), (3), and (11);

1 (2) by redesignating paragraphs (4) through
2 (8) as paragraphs (2) through (6), respectively;

3 (3) by inserting after paragraph (6), as so re-
4 designated by paragraph (2) of this section, the fol-
5 lowing new paragraph:

6 “(7) ‘rail passenger transportation’ means the
7 interstate, intrastate, or international transportation
8 of passengers by rail;”;

9 (4) in paragraph (6), as so redesignated by
10 paragraph (2) of this section, by inserting “, includ-
11 ing a unit of State or local government,” after
12 “means a person”; and

13 (5) by redesignating paragraphs (9) and (10)
14 as paragraphs (8) and (9), respectively.

15 **SEC. 412. NORTHEAST CORRIDOR COST DISPUTE.**

16 Section 1163 of the Northeast Rail Service Act of
17 1981 (45 U.S.C. 1111) is repealed.

18 **SEC. 413. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

19 (a) AMENDMENT.—Section 8G(a)(2) of the Inspector
20 General Act of 1978 (5 U.S.C. App.) is amended by strik-
21 ing “Amtrak,”.

22 (b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall
23 not be considered a Federal entity for purposes of the In-
24 specter General Act of 1978.

1 **SEC. 414. CONSOLIDATED RAIL CORPORATION.**

2 Section 4023 of the Conrail Privatization Act (45
3 U.S.C. 1323), and the item relating thereto in the table
4 of contents of such Act, are repealed.

5 **SEC. 415. INTERSTATE RAIL COMPACTS.**

6 (a) CONSENT TO COMPACTS.—Congress grants con-
7 sent to States with an interest in a specific form, route,
8 or corridor of intercity passenger rail service (including
9 high speed rail service) to enter into interstate compacts
10 to promote the provision of the service, including—

11 (1) retaining an existing service or commencing
12 a new service;

13 (2) assembling rights-of-way; and

14 (3) performing capital improvements, includ-
15 ing—

16 (A) the construction and rehabilitation of
17 maintenance facilities and intermodal passenger
18 facilities;

19 (B) the purchase of locomotives; and

20 (C) operational improvements, including
21 communications, signals, and other systems.

22 (b) FINANCING.—An interstate compact established
23 by States under subsection (a) may provide that, in order
24 to carry out the compact, the States may—

25 (1) accept contributions from a unit of State or
26 local government or a person;

1 (2) use any Federal or State funds made avail-
2 able for intercity passenger rail service (except funds
3 made available for the National Railroad Passenger
4 Corporation);

5 (3) on such terms and conditions as the States
6 consider advisable—

7 (A) borrow money on a short-term basis
8 and issue notes for the borrowing; and

9 (B) issue bonds; and

10 (4) obtain financing by other means permitted
11 under Federal or State law.

12 **SEC. 416. CONFORMING AMENDMENTS.**

13 Part C of subtitle V of title 49, United States Code,
14 is amended—

15 (1) in section 24102(2), by striking “Interstate
16 Commerce Commission” and inserting in lieu thereof
17 “Surface Transportation Board”;

18 (2) in section 24307(b)(3), as so redesignated
19 by section 410(b)(2) of this Act, by striking “Inter-
20 state Commerce Commission” and inserting in lieu
21 thereof “Surface Transportation Board”;

22 (3) in section 24308—

23 (A) by striking “Interstate Commerce
24 Commission” in subsection (a)(2)(A) and in-

1 serting in lieu thereof “Surface Transportation
2 Board”; and

3 (B) by striking “Commission” each place it
4 appears and inserting in lieu thereof “Board”;
5 (4) in section 24311(c)—

6 (A) by striking “Interstate Commerce
7 Commission” in paragraph (1) and inserting in
8 lieu thereof “Surface Transportation Board”;
9 and

10 (B) by striking “Commission” each place it
11 appears and inserting in lieu thereof “Board”;
12 (5) in section 24902(j)—

13 (A) by striking “Interstate Commerce
14 Commission” each place it appears and insert-
15 ing in lieu thereof “Surface Transportation
16 Board”; and

17 (B) by striking “Commission” each place it
18 appears and inserting in lieu thereof “Board”;
19 and

20 (6) in section 24904(b), as so redesignated by
21 section 207(a)(2) of this Act—

22 (A) by striking “Interstate Commerce
23 Commission” in paragraph (2) and inserting in
24 lieu thereof “Surface Transportation Board”;
25 and

1 (B) by striking “Commission” each place it
2 appears and inserting in lieu thereof “Board”.

3 **SEC. 417. MAGNETIC LEVITATION TRACK MATERIALS.**

4 The Secretary of Transportation shall transfer to the
5 State of Florida, pursuant to a grant or cooperative agree-
6 ment, title to aluminum reaction rail, power rail base, and
7 other related materials (originally used in connection with
8 the Prototype Air Cushion Vehicle Program between 1973
9 and 1976) located at the Transportation Technology Cen-
10 ter near Pueblo, Colorado, for use by the State of Florida
11 to construct a magnetic levitation track in connection with
12 a project or projects being undertaken by American
13 Maglev Technology, Inc., to demonstrate magnetic levita-
14 tion technology in the United States. If the materials are
15 not used for such construction within 3 years after the
16 date of the enactment of this Act, title to such materials
17 shall revert to the United States.

18 **SEC. 418. RAILROAD LOAN GUARANTEES.**

19 (a) DECLARATION OF POLICY.—Section 101(a)(4) of
20 the Railroad Revitalization and Regulatory Reform Act of
21 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

22 “(4) Continuation of service on, or preservation
23 of, light density lines that are necessary to continued
24 employment and community well-being throughout
25 the United States.”.

1 (b) MAXIMUM RATE OF INTEREST.—Section 511(f)
2 of the Railroad Revitalization and Regulatory Reform Act
3 of 1976 (45 U.S.C. 831(f)) is amended by striking “shall
4 not exceed an annual percentage rate which the Secretary
5 determines to be reasonable, taking into consideration the
6 prevailing interest rates for similar obligations in the pri-
7 vate market.” and inserting in lieu thereof “shall not ex-
8 ceed the annual percentage rate which is equivalent to the
9 cost of money to the United States.”.

10 (c) MINIMUM REPAYMENT PERIOD AND PREPAY-
11 MENT PENALTIES.—Section 511(g)(2) of the Railroad Re-
12 vitalization and Regulatory Reform Act of 1976 (45
13 U.S.C. 831(g)(2)) is amended to read as follows:

14 “(2) payment of the obligation is required by its
15 terms to be made not less than 15 years not more
16 than 25 years from the date of its execution, with
17 no penalty imposed for prepayment after 5 years;”.

18 (d) DETERMINATION OF REPAYABILITY.—Section
19 511(g)(5) of the Railroad Revitalization and Regulatory
20 Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended
21 to read as follows:

22 “(5) either the loan can reasonably be repaid by
23 the applicant or the loan is collateralized at no more
24 than the current value of assets being financed

1 under this section to provide protection to the Unit-
 2 ed States;”.

3 **TITLE V—AUTHORIZATION OF** 4 **APPROPRIATIONS**

5 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) CAPITAL EXPENDITURES.—Section 24104(a) of
 7 title 49, United States Code, is amended to read as fol-
 8 lows:

9 “(a) CAPITAL EXPENDITURES.—There are author-
 10 ized to be appropriated to the Secretary of Transpor-
 11 tation—

12 “(1) \$230,000,000 for fiscal year 1995;

13 “(2) \$230,000,000 for fiscal year 1996;

14 “(3) \$224,000,000 for fiscal year 1997;

15 “(4) \$501,000,000 for fiscal year 1998;

16 “(5) \$516,000,000 for fiscal year 1999; and

17 “(6) \$531,000,000 for fiscal year 2000,

18 for the benefit of Amtrak for capital expenditures under
 19 chapters 243 and 247 of this title.”.

20 (b) OPERATING EXPENSES.—Section 24104(b) of
 21 title 49, United States Code, is amended to read as fol-
 22 lows:

23 “(b) OPERATING EXPENSES.—There are authorized
 24 to be appropriated to the Secretary of Transportation—

25 “(1) \$542,000,000 for fiscal year 1995;

1 “(2) \$405,000,000 for fiscal year 1996;
 2 “(3) \$365,000,000 for fiscal year 1997;
 3 “(4) \$387,000,000 for fiscal year 1998;
 4 “(5) \$292,000,000 for fiscal year 1999; and
 5 “(6) \$242,000,000 for fiscal year 2000,
 6 for the benefit of Amtrak for operating expenses.”.

7 (c) ADDITIONAL AUTHORIZATIONS.—Section
 8 24104(c) of title 49, United States Code, is amended to
 9 read as follows:

10 “(c) ADDITIONAL AUTHORIZATIONS.—In addition to
 11 amounts appropriated under subsection (a), there are au-
 12 thorized to be appropriated to the Secretary of Transpor-
 13 tation—

14 “(1) \$200,000,000 for fiscal year 1995;
 15 “(2) \$115,000,000 for fiscal year 1996;
 16 “(3) \$255,000,000 for fiscal year 1997;
 17 “(4) \$250,000,000 for fiscal year 1998;
 18 “(5) \$250,000,000 for fiscal year 1999; and
 19 “(6) \$250,000,000 for fiscal year 2000.

20 for the benefit of Amtrak to make capital expenditures
 21 under chapter 249 of this title.”.

22 (d) REDUCTION OF AMOUNTS.—Section 24104 of
 23 title 49, United States Code, is further amended by adding
 24 at the end the following new subsection:

1 “(g) REDUCTION OF AMOUNTS.—For each fiscal
 2 year, the total amount authorized to be appropriated
 3 under subsections (a) and (c) combined shall be reduced
 4 by any amount made available to Amtrak from an inter-
 5 city passenger transportation trust fund for that fiscal
 6 year.”.

7 (e) CONFORMING AMENDMENTS.—Section 24909 of
 8 title 49, United States Code, and the item relating thereto
 9 in the table of sections of chapter 249 of such title, are
 10 repealed.

11 (f) GUARANTEE OF OBLIGATIONS.—There are au-
 12 thorized to be appropriated to the Secretary of Transpor-
 13 tation—

14 (1) \$50,000,000 for fiscal year 1998;
 15 (2) \$50,000,000 for fiscal year 1999; and
 16 (3) \$50,000,000 for fiscal year 2000,
 17 for guaranteeing obligations of Amtrak under section 511
 18 of the Railroad Revitalization and Regulatory Reform Act
 19 of 1976 (45 U.S.C. 831).

20 (g) CONDITIONS FOR GUARANTEE OF OBLIGA-
 21 TIONS.—Section 511(i) of the Railroad Revitalization and
 22 Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is
 23 amended by adding at the end the following new para-
 24 graph:

1 “(4) The Secretary shall not require, as a condition
2 for guarantee of an obligation under this section, that all
3 preexisting secured obligations of an obligor be subordi-
4 nated to the rights of the Secretary in the event of a de-
5 fault.”.

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