

the documents filed yesterday were internal memos and minutes from GOPAC planning meetings. According to one, an unidentified GOPAC source said "we're supplying, my guess would be a quarter of a million dollars in NEWT support per year." A quarter of a million dollars in an election he won by just 974 votes.

Mr. Speaker, the Ethics Committee has now been stonewalling the appointment of an independent counsel for more than 14 months. The committee must act, they must act. We need an outside counsel to investigate NEWT GINGRICH. Stop the stonewalling.

□ 1045

ETHICS COMMITTEE SHOULD GIVE A FULL REPORT

(Mr. WARD asked and was given permission to address the House for 1 minute.)

Mr. WARD. Mr. Speaker, I planned to rise today to sing the praises of my friend, the gentlewoman from Colorado [Mrs. SCHROEDER], who is retiring, and to honor her dedicated service. You know, when I mentioned to PAT that that is what I was going to do, she said, "No, don't do that. Please, get up and tell the American people about the ethics problems that Speaker GINGRICH is facing."

She told me that I should make sure that in a time when the Wall Street Journal, the New York Times, even the Washington Times, are talking about the illegal contributions made by GOPAC to Speaker GINGRICH's reelection, that at that same time the Committee on Standards of Official Conduct is refusing to give us a simple report, and the Republican majority has voted down our attempts to give that report.

Today they will have a chance again. Today we will be asking the Republican majority to have the Committee on Standards of Official Conduct just come up and tell us what they found, come up and give us a report, tell us if there is something going on there that we need to know about. Please, today follow our lead, have the Committee on Standards of Official Conduct give us a full report.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Commerce, Committee on House Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on Science, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from North Carolina?

Mr. WISE. Mr. Speaker, reserving the right to object, the gentleman is correct. The minority has been consulted and has no objections.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 284 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 284

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered by title rather than by section. The first section and each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in part 2 of the report of the Committee on Rules. That amendment may be offered only by the chairman of the Committee on Transportation and Infrastructure or his designee, shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused

it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. QUILLEN. Mr. Speaker, House Resolution 284 is an open rule providing for the consideration of H.R. 1788, the Amtrak Reform and Revitalization Act of 1995. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order an amendment in the nature of a substitute now printed in the bill, as modified by the amendment printed in part 1 of the report of the Committee on Rules.

All points of order are waived against consideration of the bill and against the amendment in the nature of a substitute, as modified.

The rule allows for the consideration of the manager's amendment printed in part 2 of the report which is not subject to amendment or division of the question and is debatable for 10 minutes equally divided between the proponent and an opponent.

All points of order are waived against the amendment and, if adopted, the amendment is considered as part of the base text for further amendment purpose.

The Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to consideration may be given priority in recognition, and the rules provides one motion to recommit with or without instructions.

Mr. Speaker, Amtrak is an integral part of this country's intermodal transportation system, providing safe, efficient, affordable travel to millions of Americans to many places across the country.

However, according to the GAO, Amtrak's financial and operating condition have declined in recent years,

which threatens Amtrak's future ability to continue to provide its current services and will seriously impede any plans for expansion.

This is of particular concern to me. Back in the early seventies, when Amtrak was created, I pursued the implementation of the Amtrak route from Washington, DC, to Roanoke, VA, continuing to Bristol, Knoxville, and Chattanooga and on to Atlanta. At that time, Amtrak told me they planned to get started on such a route in a year. They did not say which year. But I

hope that year is just around the corner.

You know, it was pointed out in the Committee on Rules in my colloquy there that this extension of the Amtrak to Bristol, TN, and on to Knoxville would be through my district. But I want to inform the House Members that the railroad was in existence through that area before I was born. So it is not a personal request. It is for the benefit of the people.

The reforms provided in this bill will allow Amtrak to become financially se-

cure as a private corporation by removing Federal requirements which have interfered with its ability to act as a private entity. Hopefully, these reforms will enable Amtrak to expand its services to include a route through Tennessee, along with other needed routes across the country.

Mr. Speaker, this is an open rule. It will allow all Members to offer any relevant amendments, and I urge my colleagues to support the rule and the bill.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

[As of November 29, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open ²	46	44	55	65
Modified Closed ³	49	47	20	24
Closed ⁴	9	9	9	11
Total	104	100	84	100

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

³ A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PO: 229-100; A: 227-127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PO: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PO: 234-191 A: 247-181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Appropriations	A: 242-190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PO: 252-170 A: 255-168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PO: 225-191 A: 233-183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MillCon Appropriations FY 1996	PO: 223-180 A: 245-155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PO: 232-196 A: 236-191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PO: 221-178 A: 217-175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PO: 258-170 A: 271-152 (6/28/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PO: 236-194 A: 234-192 (6/29/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PO: 235-193 D: 192-238 (7/12/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PO: 230-194 A: 229-195 (7/13/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PO: 242-185 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	PO: 232-192 A: voice vote (7/18/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	A: voice vote (7/20/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	PO: 217-202 (7/21/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/24/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: 230-189 (7/25/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: voice vote (8/1/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 409-1 (7/31/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 255-156 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: 323-104 (8/2/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/12/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: voice vote (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 414-0 (9/13/95).
				A: 388-2 (9/19/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 29, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241-173 A: 375-39-1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304-118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344-66-1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internat. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth.	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231-194 A: 227-192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235-184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228-191 A: 235-185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237-190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241-181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216-210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220-200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223-182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220-185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229-176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239-181 (11/17/95).
H. Res. 284 (11/25/95)	O	H.R. 1788	Amtrak Reform	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Tennessee for yielding me the customary half hour.

Mr. Speaker, hundreds of thousands of people in the Commonwealth of Massachusetts rely on Amtrak. It is the foundation of our transportation system.

The Northeast corridor which travels from Washington to Boston, carries over 100 million passengers a year. It is the most traveled route in the country.

But, despite our heritage, despite our Federal commitment to passenger rail service. We still have one of the most outdated rail systems in the world.

I believe we have a long way to go before our railroads are where they should be. But this bill is a start.

As my colleague from Tennessee said. The rule we are considering today is open. It will allow Members to offer any germane amendments for as long as they like.

The bill is also a good start.

It will allow rail employees their collective bargaining rights, and enable us to make long overdue improvements to our national passenger rail system.

I urge my colleagues to support this open rule.

Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the rule for H.R. 1788, the Amtrak Reform and Privatization Act of 1995. The open rule is appropriate for the compromise legislation that will be considered today.

I plan to support the rule and urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF], chairman of the Subcommittee on Transportation of the Committee on Appropriations.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the rule is a fine rule, and I am not speaking on the rule but I want to speak about an issue that is in the bill.

It is with regard to Pennsylvania Station redevelopment project. Let me quote from prior years of the Committee on Appropriations reports: In fiscal year 1994 we stated the committee is concerned over the reports of architectural extravagance in this project, including a sweeping parabolic arch rising 120 feet into the air. Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project.

In fiscal year 1995 the House recommended no funding, because we were in a tight budgetary process. The New York Times has recently quoted State and city officials as saying because of the fiscal problems being experienced by the State and city there is a big question whether or not they will be able to contribute their share of the renovation. So we know the commitment is soft.

This year, in the appropriations bill, 1996, the House did not provide any funds for this project. The decision was agreed to by the conference committee. That decision was agreed to by this body only a few weeks ago.

However, to address some of the concerns of the project, the conferees provided Amtrak the option to use up to \$20 million of its limited Federal dollars to support emergency lifesaving repairs at the existing Penn Station. Now, this thing is beginning to spread out in other ways, and maybe there is an end run to put more money in this project than anyone thought was going to be in the project.

I think, and there may be a Hefley amendment offered today, and if it is, I will talk more about it, I think if the Hefley amendment is offered, it ought to be adopted, but I am concerned that everything that the proponents of Penn Station wanted for safety we said we would address and take care of the problems because I did not want anyone to go to Penn Station and be involved in a fire and die or something like that.

There now seems to be a method to go around and get additional money and different money. I am asking the

inspector general of the Department of Transportation to investigate this, to look into it. I am also looking today, with a letter to the GAO, asking the GAO to investigate and look into it.

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After we get the information, we can make a decision. But based on where I am today and what I have seen is taking place, and I think this is one of the frustrations that the American people are beginning to have with this whole process, authorizing, appropriation, what you are doing, slipping these things in, going around. I personally am of the opinion, based on the information that I now know, that the Hefley amendment, if it is offered today, should be adopted.

Second, I, for one, would not put one red cent, one penny, one nickel, one dime, one more dollar, into this project. I do not want to say specifically, but I think maybe Amtrak has been involved in some activity up here on Capitol Hill, lobbying and doing some things of which we are not quite sure.

Let me tell the Members, we are going to scrutinize this. I think the Members ought to be worried. This may be, I am not sure, but it may be kind of the bait and switch and move things around, and Penn Station has been limited whereby we have given money for all the safety projects. Now we see things coming that I think maybe this Congress, if it really knew all the facts, may not be doing what it is in the process of doing. I will speak on this issue if the Hefley amendment comes up.

Since fiscal year 1994, the House Appropriations Committee has strongly opposed the Pennsylvania Station redevelopment project and recommended not to provide funds for this project. Let me quote from prior years' Appropriations Committee reports:

In fiscal year 1994, we stated "the Committee is concerned over reports of architectural extravagance in this project, including a sweeping parabolic arch rising 120 feet into the air. Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project."

In fiscal year 1995, the House recommended no funding for this project because "in such tight budgetary times, a project of this uncertainty and magnitude is not justified." Furthermore, although the administration intends to fence the Federal funds until a binding commitment is signed for the non-Federal funds, at present the only commitment is a memorandum of agreement which does not legally bind any of the non-Federal parties.

The New York Times has recently quoted State and city officials as saying that because of the fiscal problems being experienced by the State and city of New York, there is a big question of whether or not they will even be able to contribute their share of the renovation funds. So we know the commitment is soft.

This year, in the appropriations bill for fiscal year 1996, the House did not provide funds for this project, a decision agreed to by the conference committee. That decision was agreed to by this body only a few weeks ago. However, to address some of the concerns of the project's supporters, the conferees provided Amtrak the option to use up to \$20 million of its limited Federal dollars to support emergency life safety repairs at the existing Penn Station.

However, now the National Highway System Act authorizes both the Pennsylvania Station redevelopment project and the engineering, design, and construction of a major renovation to the James A. Farley Post Office Building to enable its use as an Amtrak station and retail shopping center. In addition, the same bill provides \$26,200,000 in direct funding for this project.

Not only is this project controversial and unnecessary, its 11th-hour inclusion in an unrelated bill violates the normal protocol for conference reports. Because of time constraints and the desire to free up billions in highway funds to States, there was very little time for Members to review the conference report.

In fact, in the rush this conference report was passed in this body on a Saturday without even a vote. This project was not included in the original version of either Chamber's bill. The addition of this project was improper, I believe, because this bill was for the Federal Highway System. It should not have included authorization or funding for the renovation of a train station and development of retail shops at Federal expense.

Let me mention one other concern I have about the Farley Building project. The funding in the NHS bill for this project and the Amtrak reauthorization bill even allows the Federal Government to provide more than our share of the project's cost. Even project supporters say the Federal Government should provide no more than \$100 million for this project. The NHS bill brings the total amount up to \$77,700,000, and the Amtrak bill authorizes an additional \$30,000,000 over the next 3 years, which would bring the Federal share to \$107,700,000.

As chairman of the Transportation Appropriations Subcommittee, I was extremely upset to see these provisions. I had worked long and hard to strike a deal with the Senate, and particular with Senator MOYNIHAN, to limit how taxpayer dollars could be spent on the Pennsylvania Station redevelopment project. The sections in the National Highway System bill obliterate congressional intent for this project and does an end-run around the appropriations process.

Today, I am sending letters to the General Accounting Office and the Department of Transportation inspector general requesting each of them to analyze the need for such a project, and the existing financial arrangements. If these reports come back next year and support the project, we will certainly look at it again. We owe the project that much, and I will continue to work with the Transportation and Infrastructure Committee, the New York delegation, Amtrak, and others to address the legitimate transportation needs of passengers in New York City. But from what we know now, this is the wrong approach at the wrong time, and too expensive for the Federal Government to bear.

In summary, what the National Highway System bill has done is authorized and provided direct funding for the building of what its supporters advertise as an architectural wonder and a new retail shopping area in New York City. Slipped in an unrelated bill in the dead of night, and going around the appropriations process. This was little more than a Thanksgiving gift to the city of New York, and it is a real turkey—with all the trimmings. The gentleman from Colorado's amendment would assure that, in these tight budgetary times, taxpayers all across the country do not see their gasoline taxes going to pay for a new train station and to build new shopping spaces in New York City.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], defender of the American work force.

Mr. TRAFICANT. I appreciate the gentleman's comments, Mr. Speaker.

Mr. Speaker, I have a little amendment on this bill. One of the problems we have that it seems to work out, it seems that Amtrak buys an awful lot of manufactured track line, and that it seems to end up buying its track line, most of it, from overseas in Europe. The reason for it is we make excellent track line, it is even of superior quality; but the U.S. manufacturers say the limited specifications under Amtrak have almost prohibited them from becoming a part of this procurement process.

So my amendment does not compel anybody to do anything, it is not protectionist, it does not shackle anybody. What it does is it creates an outreach program that says that Amtrak shall sit down with American manufacturers of track work to discuss the specification process and to see how that specification process in all fairness can be tailored to give American track work manufacturers a better opportunity of getting some of these contracts.

I find it highly unusual where we are really almost bankrupt in this country, but we would have a procurement specification in a situation like Amtrak that would force most of the sales and purchases of track coming from Europe. That does not make good sense. It is a modest amendment. It makes a lot of sense.

In addition to that, my amendment would also require Amtrak to report back to Congress within 2 years of enactment on the progress it is making in awarding such contracts to Amer-

ican firms, so with that it is not a protectionist amendment. From what I understand, the chairman is going to accept it. I appreciate the time from the distinguished chairman. It is great to have him back here, full time, working on behalf of us and all of us.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 284 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1788.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. ALLARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation to make fundamental changes to Amtrak. This legislation represents months of hard work by our chairman of the Subcommittee on Railroads, the gentleman from New York, SUSAN MOLINARI. It has also benefited from constructive bipartisan contributions on both our subcommittee and full committee level from the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from West Virginia [Mr. WISE], and the gentleman from Illinois [Mr. LIPINSKI].

Amtrak has been sick and is sick, and much of the illness has been Government inflicted. The GAO has confirmed that Amtrak cannot survive, even with indefinite funding, if it remains subject to all the legal mandates that Congress has piled onto Amtrak over the years. One good indicator is the average age of the fleet, which is now 22 years.

Right now Amtrak is a patient on artificial life support. Through some painful one-time austerity measures, it has managed to get through this past

fiscal year, but its future is very doubtful unless it can be fundamentally restructured in the way it does business. Normally, a corporation can turn itself around by simply getting labor and management together to implement a sound strategy, but in Amtrak's case, this decision has been effectively taken out of the company's hands because of the incredible array of Federal laws that hamstring Amtrak at every turn.

Mr. Chairman, I want to emphasize, I have confidence, great confidence, in Amtrak's management. I think Tom Downs, the president, is doing an outstanding job, and I think the management team that he has assembled is very competent and capable. However, they are bound to failure unless we give them the flexibility that is provided in this legislation that is before us today to give them the opportunity to streamline and modernize and reform Amtrak.

For example, Amtrak is presently forbidden by law from utilizing maintenance and service centers from other railroads and other suppliers no matter how much money they can save. I know, for example, the freight rail industry has many modern maintenance facilities that are not operated at full capacity, operated by very capable labor people, union rail labor people. If Amtrak were freed of legal restrictions and could negotiate for the best price on maintenance, both sides would win. Amtrak would save the cost of replacing its decrepit maintenance facilities and with the private sector dollars, private sector railroads would bring in additional business for themselves. This is exactly the kind of mutual benefits these reforms can bring. This is exactly the kind of footing that we should put Amtrak on today.

Any kind of fundamental change is uncomfortable for a company and its workers. It is true of any company, including Amtrak. But this bill makes collective bargaining the central feature of changes in matters affecting Amtrak employees, something the current law did not do. The bill provides for an accelerated bargaining process of about 6 months, during which labor and management would fashion new contracts dealing with severance matters and with procedures for contracting out work. This is the proper approach to take so that we do not micromanage Amtrak from the Congress.

Mr. Chairman, I am very proud of the work that the committee has done on a bipartisan basis. I strongly urge Members to support the passage of this bill. I do not agree with everything that is in this bill, but it is a compromise. It is a legitimate compromise. We need to maintain the delicate balance that is in this bill. For that reason, I strongly support the passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that it be in order for me to offer the Traficant amendment to title I at any point during consideration of this bill under the 5-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995, which our chairman has already so ably described, despite his obvious hoarseness of voice, and unusual hoarseness of voice. I hope he recovers soon.

I want to thank our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], for the splendid job of managing this legislation through a very rocky time of overcoming some very complex questions, and the gentleman from New York, the chairman of the subcommittee, along with the gentleman from Illinois [Mr. LIPINSKI], our ranking Democrat on the Subcommittee on Railroads for most of this year, and our current ranking member, the gentleman from West Virginia [Mr. WISE]. Clearly it was the gentleman from Illinois who bore the burden of the day throughout these many months of negotiation to bring this legislation to its present point.

I really compliment the gentleman from Illinois for his persistence for bringing all the parties together, plumbing the depths of these issues, and ultimately bringing us to a point where we could have this bill under consideration on the floor today with these issues largely resolved, because America does need a comprehensive passenger transportation system, one that is truly intermodal, that respects the contributions that each mode of transportation brings to our national picture: highways that give us universal access to anywhere in America; airlines that offer rapid service to any part of this country where surface transportation might take many hours or even days or weeks; water ferries that play a crucial role in areas like Puget Sound and Alaska where people live on islands, and places that are difficult to access except by water.

We rely mostly on these modes for our passenger transportation, but they are not without their limitations. For example, virtually every other mode of transportation uses enormous amounts of energy. That consumption of energy has adverse environmental impact. Or, for many people, owning a car or taking a plane is too expensive. In some transportation corridors we already have five highway lanes in each direction, and those lanes are seriously congested. I was astonished myself to be visiting my brother in San Diego and driving up toward Los Angeles with an endless wall-to-wall, as far as the eye could see and as wide as the eye can

look in either direction, headlights on one side and red lights on the other side, jammed with people traveling, congested, late at night. It is impractical in those areas to build more highways.

Our air service in many parts of this country moves through air corridors that equally are congested. It is extremely difficult to overcome the environmental objections or to raise the money necessary to build new airports or even, in some cases, to build new runways at existing airports.

Enter Amtrak. Enter passenger rail, a crucial role where other modes face their greatest limitations, especially in our high density transportation corridors, like New York to Washington, Chicago to Detroit, San Diego to Los Angeles. That is where Amtrak provides the relief and serves as a pressure relief valve for pressures that otherwise would jam our highways and our Airways unconscionably.

Think of Logan Airport in Boston, seriously congested. Forty percent of the traffic in and out of Logan is trips to New York City. It would be extremely difficult to find the land, clear the environmental hurdles to build a new airport in the Boston metropolitan area, certainly at least until tilt rotor technology is perfected and commercialized, and we can build vertiports that take up land about the size of this Chamber. We are not there yet, and we are not there for another 20 years.

Think of Denver, CO. Denver was thought at the time to be a relatively simple case, build a new airport on an empty prairie space, and yet cost overruns, delays, complications, difficulties, and then the resulting increased cost to airlines in landing fees for this new \$5-plus billion airport. How much more difficult would it be in the congested suburbs of the District which my friend, the gentleman from Chicago, represents, to build a new airport? Unthinkable.

So for much smaller amounts of money and with a much smaller environmental impact, we can have passenger rail service. We can, in fact, on existing lines with some improvements improve those lines to accommodate high-speed rail travel that would allow people now crowding our highways and our airways to move quickly and comfortably by rail, as they do in France. I would just like to take the example.

During my years as a student at the College of Europe in Belgium, I traveled in 1957 from Paris to southeastern France, Lyons, the second largest city, in 4½ hours on an old steam-powered locomotive.

□ 1115

Fifteen years later, I traveled the same route, same rail route, now with a diesel locomotive, 4½ hours.

In 1989, as chair of the Subcommittee on Aviation, with a bipartisan delegation, we traveled that same route on a high-speed train in 2 hours and 1 minute; 2 hours and 1 minute, traveling 186 miles an hour.

Now, in 1980, 2 million people took the train from Paris to Lyons; a million flew. Now, 5 million people take the train from Paris to Lyons, and only 5,000 fly that same route. That is dramatic. The French, of course, have expanded high-speed rail service, so now they have 225-mile-an-hour speed trains traveling in many routes throughout France and in Spain and from Spain to France.

We ought to be able to do the same thing in America. We ought to keep Amtrak alive, and we ought to keep it competitive and public, and we ought to support rail transportation, our passenger rail transportation system now so that, in the future, we can at least do as much as our European allies have done, at least as much as the Japanese have done in their country with high-speed trains.

Mr. Chairman, if you live in towns like Staples, MN, in the western part of my State, or in Meridian, MI, Amtrak is the only public transportation available. For people that do not drive and who do not own a car, as my father never owned a car, and he said, if you cannot walk there or take a train or take a bus, you do not deserve to go there. That was the way of transportation.

We ought to recognize the savings in economics, we ought to recognize the savings to our environment and support Amtrak, maintain this base so that we have something to build on as the need for a modern, high-speed rail transportation system becomes more evident or as such a system is thrust upon us by some future energy crisis, when we will find ourselves all on the Nation's highways, sitting there behind our wheels, run out of gas, grasping our steering wheels and wondering how are we going to get where we want to go. Then we will say, why did somebody not have the wisdom to protect passenger rail service?

The enterprise we are about today in this legislation will preserve that base, maintain our passenger rail system network and allow us to build upon it for the future.

Mr. Chairman, I now ask unanimous consent to yield the balance of my time to the distinguished gentleman from Illinois [Mr. LIPINSKI] for him to control for our side.

The CHAIRMAN (Mr. ALLARD). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York [Ms. MOLINARI], the distinguished chairwoman of the subcommittee, and for her to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Ms. MOLINARI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this carefully crafted bipartisan legislation to reform Amtrak. I want to commend our committee chairman, Mr. SHUSTER, our ranking member, Mr. OBERSTAR, and the current and prior subcommittee ranking members, Mr. WISE and Mr. LIPINSKI, for their hard work on this bill.

H.R. 1788 reflects the first top-to-bottom reexamination of Amtrak since it began operating in 1971. When our committee began considering Amtrak reform early this year, we heard from the General Accounting Office on Amtrak's current condition and its prospects. The bottom line of the GAO report was that, even with status quo funding levels, Amtrak could not maintain its current operations.

This state of affairs reflects Amtrak's shortage of capital and its high costs, which are aggravated by restrictions imposed at almost every turn by Federal law. Numerous details of Amtrak's operations are dictated by statute—which routes to operate and where, what kinds of services may be contracted out, formulas for reimbursement of expenses, and even where Amtrak must locate its corporate headquarters. This kind of micromanagement has virtually eliminated the value of the congressional decision in 1970 to make Amtrak a corporation—not a government agency. Amtrak has been prevented from running its operations on a business-like basis. Instead of making operational decisions based on market opportunities and cost savings, Amtrak has been forced to perform various tasks the hard way—because the law required Amtrak to do it just that way.

Let me give just one example. GAO reported that Amtrak's principal maintenance facilities are totally outdated and in bad repair: the main one was built in the 1890's. The cost of replacing these facilities on an in-house basis is almost \$300 million. Yet Amtrak is presently forbidden by Federal law to have any work other than food service performed by outside contractors. This means that Amtrak is arbitrarily prevented from utilizing other railroads and suppliers to avoid this \$300 million capital requirement.

This bill gives Amtrak a fresh start. The company is placed in full control of its own assets, and is allowed to deploy its resources where the opportunities are the most promising. The restrictive Federal laws that dictated Amtrak's labor benefits and practices are replaced through an accelerated collective-bargaining process between labor and management. New opportunities for Amtrak to engage in individual or multistate cooperative arrangements through interstate compacts are encouraged. Most important Amtrak is given the benefit of private sector business expertise in two ways—first, through the appointment of a reform board of directors, and second, through a Temporary Rail Advisory Council of business experts who will help Amtrak develop its strategy for the future.

These far-reaching reforms are absolutely essential if Amtrak is to survive in an era of limited Federal resources. The funding provisions of this bill conform exactly to the budget resolution recently approved by the Congress. We recognize that Amtrak must reduce its dependence on Federal funding, and the best way to accomplish that is to free Amtrak to operate on the basis of sound business principles—not Government mandates. This bill is not only the best way to maintain intercity rail passenger service, but it also is the best way to get maximum value for the taxpayer's dollar. I urge all Members to support its passage.

Ms. MOLINARI. Mr. Chairman, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE], the present ranking member of the Subcommittee on Railroads.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me, and I appreciate all that he has done.

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995. I commend Chairman SHUSTER, Chairwoman MOLINARI, and ranking Democratic member JIM OBERSTAR and thank them and our former ranking Democratic member on the Subcommittee on Railroads, BILL LIPINSKI, for their leadership on this issue.

Mr. Chairman, I would like to emphasize the crucial role that Amtrak plays in the Nation's intermodal transportation system. My State, like many other rural States, has many communities that do not have access to good air service but that do have access to Amtrak service. Amtrak provides a lifeline for many small towns in America.

Moreover, Amtrak provides relatively low-cost, fuel-efficient service to our Nation's most crowded and congested highways and airport corridors, providing travel options to our Nation's youth, elderly, and others who cannot drive or fly. It also provides a stress-free way to see many scenic parts of our beautiful country.

Although this bill had a rocky start, including two aborted markups, since then there has been a good deal of hard work and many difficult compromises on various issues, which now enables me to support this final product.

This bill will allow Amtrak to reduce its costs of operation and get by on a smaller Federal subsidy, thus placing less of a burden on the American taxpayer. While I am concerned about some of the increased burdens the bill places on the States by ending the basic system concept—a fixed network of routes that Amtrak is required to serve—and encouraging Amtrak to negotiate with the States on subsidies that will maintain rail service through those States, I am satisfied that the bill is a reasonable compromise and that it is needed to keep Amtrak moving ahead.

Also, I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some changes were made to the bill, a reasonable compromise was reached which ends both statutory 6-years labor protection and prohibitions on contracting out and turns these issues over to Amtrak and the unions to negotiate under an accelerated 254-day Railway Labor Act process.

Additionally, the bill limits Amtrak's liability for punitive and non-economic damages, and allows Amtrak to indemnify freight railroads for their liability, so that Amtrak can operate on the freight railroads' right-of-way at a lower cost.

Again, the bill will enable Amtrak to downsize and control its costs, while ensuring the fair treatment of Amtrak's employees if there is a loss of jobs. Mr. Chairman, H.R. 1788 will help preserve Amtrak for years to come. I support this bill and urge an "aye" vote.

Mr. LIPINSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], successor of Davey Crockett, Andrew Jackson, and Sam Houston.

(Mr. CLEMENT asked and was given permission to revise and extend his remarks.)

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for those wonderful comments.

Mr. Chairman, I rise in strong support of H.R. 1788, the Amtrak Reform and Privatization Act of 1995. I want to first commend Chairman BUD SHUSTER and ranking member, JIM OBERSTAR, for crafting a bill that will ensure the future of Amtrak into the 21st century.

The future of passenger rail service in this country—a service used by 22 million travelers nationwide—depends on our ability to force powerful partnerships between Amtrak and States, cities, and its passengers. H.R. 1788 strengthens those partnerships while phasing out the Federal operating subsidy for Amtrak. At the same time, H.R. 1788 gives Amtrak the opportunity to operate like any other private business.

Significant reforms are embodied in H.R. 1788 that remove longstanding mandates from the law. For example, the bill will allow Amtrak to run routes where they make economic, rather than political sense. Current law hamper's Amtrak's ability to shape its route structure and schedules. H.R. 1788 provides Amtrak with the flexibility to respond quickly to consumer demand and to make timely service adjustments.

H.R. 1788 also includes carefully crafted language to allow Amtrak and its employees to collectively bargain over key issues involving contracting out and worker protections. This provision, which is supported by the labor unions, will provide greater flexibility to management to improve Amtrak's economic performance.

The bill includes my amendment adopted by the Subcommittee on Rail-

roads which ensures that Amtrak audits its book by a certified public accountant. We are all concerned about Amtrak's financial situation.

We in Congress cannot do our job of overseeing Amtrak unless we have some assurance that the financial numbers coming out of Amtrak have been audited and are reliable. The amendment ensures that these financial numbers have been audited and fairly reflect Amtrak's financial condition.

In closing I just want to say this is an excellent bill which deserves unanimous support on both sides of the aisle.

□ 1130

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1788, the Amtrak reform bill.

Mr. Chairman, during my tenure as the ranking Democrat on the Railroads Subcommittee in the first 10 months of the 104th Congress, I worked with the members of the subcommittee to assure a future for passenger railroads in this Nation. As we worked toward this goal, we have been all too aware of the importance of the railroad in the history of this country and the role of the U.S. Government in the development of the railroad.

The transcontinental railroad, with its golden spike driven into the ground in 1869, was a product of Government involvement and Government financing. As the transcontinental railroad was conceptualized in the 19th century, the costs were tremendous, and the prospects for recovery of those costs were far into the future. With populations in Missouri, California, and nowhere in between, no private sector business would have dared attempt such a project. It was up to the Federal Government to make the investment for the future.

The same thinking led to the birth of the National Railroad Passenger Corporation—Amtrak—a century later. Saddled with a common carrier obligation to provide intercity passenger rail services the freight railroads were struggling. Eliminating the significant losses on passenger service was viewed as essential to keeping the freight railroad system financially sound. Today, the freight railroad industry in the United States is stronger than ever. While Amtrak will never see the kinds of profits the freights have, I continue to believe there is a place for Amtrak in our national transportation system.

The mandate of Amtrak is to provide modern, cost-efficient, and energy-efficient intercity rail transportation between crowded urban areas and other areas of the United States. In creating Amtrak, Congress recognized the significance of passenger rail service as a component of an efficient, integrated national transportation system. It is in our national interest to have efficient, accessible passenger rail transportation in the United States.

During 1994, a total of 55 million passengers depended on Amtrak to provide

reliable rail passenger service. Twenty-two million of these passengers traveled on Amtrak nationwide. Amtrak connects many urban areas in the United States, serving 68 of the 75 largest metropolitan areas. In addition, Amtrak provides a vital link to the 62 million Americans who live in small towns and rural areas. Amtrak serves 33 communities which have no air service, 18 communities which have no bus service, and 9 communities which have neither.

As congestion increases on our Nation's roadways and airport runways, we should look to rail to alleviate the problem. Amtrak provides an invaluable alternative in heavily urbanized regions that have crowded highways and airports.

The benefits of passenger rail transportation—congestion alleviation, safety, energy-efficiency, environmental soundness and the other benefits—make a strong case for inclusion of passenger rail in our national transportation system and as a funding priority. Some argue that if Amtrak cannot be self-supporting, it should not be continued. For the long term, this may indeed be true. However, we must consider the historical Federal role in the development of other modes of transportation. Investment in passenger rail now will provide a substantial return in the future.

Mr. Chairman, this compromise legislation removes Amtrak from much of the congressional micromanagement that it has faced since its establishment, and makes it more like every other business in America. Passenger rail service can have a future in the United States if the American people support it. Since Amtrak restructured and announced route eliminations and adjustments late last year, Governors across the country have come forward with funding to continue the service that is needed in their States.

We are working toward an Amtrak which operates without a Federal operating subsidy, which provides quality service, and which is financially stable. Yet we also know that no intercity rail passenger service anywhere in the world operates without some degree of public sector financial support. As its operating subsidy decreases in the next few years, we have encouraged Amtrak to look for innovative approaches to financing in partnership with States and localities that rely on passenger rail service.

When Congress passed ISTEA in 1991, we moved toward a multimodal transportation system in which each mode complemented the other. Railroads do not serve every area and may not be the best form of transportation for every American. Yet in our national transportation system, every mode, including rail, highway and air, should be well represented. Used together, the various modes assure a transportation system which will exceed our needs into the 21st century.

As a child in Chicago, I used to watch as the Burlington Zephyr passed by my

house en route to California. That was the way people traveled years ago, and it is the way many continue to travel today. Amtrak will never be the answer for every American traveler. However, it can be one of America's travel options for many years to come.

Mr. Chairman, if I were to design my dream Amtrak legislation, this would not be it. But this bill is a real compromise that comes as a result of very hard work by individuals on both sides. I want to commend Chairman SHUSTER and Chairwoman MOLINARI for the manner in which they have worked with us to build legislation we can all support. Although this bill is not what any of us would have predicted or desired when we began hearings on Amtrak in February, it is a true compromise product which protects the interests of Amtrak management and labor. I also want to thank the new ranking member of the full committee, my good friend JIM OBERSTAR, and the new ranking member of the Railroads Subcommittee, BOB WISE, for their involvement on this bill.

Mr. Chairman, as a result of blood, sweat, tears, and the willingness of all parties to compromise, this is a bill we can all support. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee, and the gentlewoman from New York [Ms. MOLINARI], the chairman of the subcommittee, for the excellent work they have done in crafting this legislation.

Mr. Chairman, the Amtrak Reform and Privatization Act is truly a bipartisan compromise, and it will enable Amtrak to be a sustainable and hopefully profitable private enterprise. Tough decisions were made to ensure that Amtrak will have the needed tools to succeed on a declining Federal subsidy while continuing to reduce its operating loss each year. Compromise between labor and management was essential and it was achieved. This legislation goes a long way toward treating Amtrak as a business by changing the necessary provisions in Federal law to accomplish this aim.

An amendment may be offered today which seeks to accelerate the reduction in Amtrak's Federal subsidy. The House should oppose any attempts to weaken the structure which has been carefully laid out in the bill before us. Amtrak is still burdened with many federally mandated expenditures which greatly affect its operating budget. These Federal mandates inhibit Amtrak's ability to transition to a private enterprise. To accelerate the reduction in its Federal subsidy without taking into account these federally mandated obligations would be a major mistake.

Mr. Chairman, let us pass the Amtrak Reform and Privatization Act

without further delay. The result will be significant reform to Amtrak, while ensuring the people in the towns and cities across America a strong and viable passenger train service.

Ms. MOLINARI. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, again, as every other Speaker has done today, let me congratulate Chairman SHUSTER and Chairman MOLINARI for the fine work they have done. The legislation in front of us today takes an important step forward in trying to allow Amtrak to stand on its feet and begins to integrate some of the privatization principles I so strongly believe in.

But let me also say that I had some narrow political interest in this case, as someone who represents the State of Wisconsin. Last year, as my colleagues know, Amtrak decided to cut about 24 percent of its budget in order to deal with a severe financial crisis, and as part of that decisionmaking process they made the informed decision to close down the line between Milwaukee and Chicago.

I think, given Amtrak's financial constraints, they should have the ability in the future to make other decisions, especially about cross-country routes which frankly cannot be justified by anybody, except for political expediency for Members who want to make sure they continue to get train service to their districts even if Amtrak takes a financial bath on it.

When Amtrak decided to pull out of the Milwaukee and Chicago route, we found, much to our delight, that a half dozen firms stepped forward, private firms, to say, "We would be delighted to run this, because we think we could make money on doing it and also provide passenger service between the largest cities in Wisconsin and Illinois," and there are six trains a day that go back and forth.

But we were astonished, as the Governor's office was astonished, to learn that under the current Amtrak laws Amtrak does not have the ability to allow private companies to use those tracks. In fact, the State of Wisconsin did not have the opportunity and legally was forbidden to contract out with the private train service to provide that passenger transfer every day between Milwaukee and Chicago.

Today, we find ourselves in a situation where we have been able to keep Amtrak service in place until next July, but it has been done with chewing gum sticking together money from the State and from the Federal Government and from passenger service.

This provision today will allow, we think, one of those private companies to step forward and work out an arrangement between the State of Wisconsin and the State of Illinois to provide private passenger service between Chicago and Milwaukee. It will allow similar innovative experiments to take place, for example in Missouri, where

the Kansas City to St. Louis route has been abandoned with nobody to step forward and run train service there, as well.

There is also frankly tucked into this bill another important provision which will allow Amtrak, currently prohibited from contracting out work outside of food and beverage service, to begin to look at private sector vendors to do that. If they can provide service on airplanes and they can provide service at stadiums, they clearly can provide service to Amtrak and the passengers on trains as well.

It is interesting to go back and look. That is from one of those private Wisconsin firms interested in providing service between Milwaukee and Chicago who said, "In our efforts to privatize the Hiawatha service between Milwaukee and Chicago, we have viewed the subcontracting provision as an obstacle that could eventually be overcome with protracted legal expenses and time. Removing the restrictions by statute ends this debate and saves potential private passenger rail providers, in Wisconsin and elsewhere, considerable time and money."

Again, I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from New York [Ms. MOLINARI] for the fine work they have done on this legislation, and urge my colleagues to vote "yes" as we begin to track Amtrak into the next century and begin to crack the door to allow the eventual privatization of Amtrak, which I and many of my colleagues completely agree with.

Mr. CASTLE. Mr. Chairman, I rise in strong support of H.R. 1788, the Amtrak Reform and Privatization Act. I would like to commend Representative MOLINARI and Chairman SHUSTER, who have worked hard on this legislation and who have made a commitment to supporting and protecting the future of Amtrak. Amtrak is important to our national infrastructure and transportation needs. The people of Delaware and their neighbors on the east coast depend on Amtrak for business and personal transportation.

The Amtrak Reform and Privatization Act makes much needed reforms to Amtrak. Amtrak's current problems are due to the fact that Amtrak has been operating like a Government agency, not like a private business. H.R. 1788 allows Amtrak to eliminate unprofitable routes and focus on the profitable ones. Moreover, this legislation ends the practice of awarding 6 years of severance pay to employees who lose their jobs because a route is discontinued, and allows Amtrak to contract out work, like other private entities. These provisions will give Amtrak's management the much needed flexibility it desires to operate more successfully. Further, the bill authorizes the necessary funds for the next 3 years to aid Amtrak in the transition from a publicly funded entity to a privately controlled business.

I am most familiar with the Northeast corridor and Amtrak facilities in Delaware. The Northeast corridor, which includes my commute from Delaware to D.C., is the most heavily traveled Amtrak route, and is the key mode of transportation for thousands of people on the east coast. The line extends from Washington to Boston with the heaviest service

density from Washington to New York. The Amtrak Reform and Privatization Act replaces the current method of cost-sharing agreements between Amtrak and other operators on the Northeast corridor with one which allows Amtrak to negotiate terms with these operators. This will allow Amtrak to recoup shared capital costs that are not addressed under the current system.

I believe this Nation needs passenger rail service. The Northeast part of our country certainly needs it. I believe the Amtrak Reform and Privatization Act will help provide cost-effective rail service to Americans without placing an undue burden on the Federal Government and, more importantly, the taxpayers.

Again, I applaud the leadership of Representative MOLINARI and Chairman SHUSTER, and urge my colleagues to support the bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to H.R. 1788. Amtrak provides an especially important long-distance transportation alternative for sparsely settled States such as Nebraska and others in the northern Great Plains and Rocky Mountain West. This Member supports the continuation of Amtrak and believes that long-distance train service should maintain its role in the Nation's overall transportation strategy. Unfortunately, this bill facilitates the elimination of routes and increases the likelihood that long-distance rail service will be impaired or eliminated in many areas, especially sparsely settled States.

This Member does not want to see passenger train service confined only to high-density corridors. If Federal subsidies are provided to Amtrak, then it should continue to serve as a truly national system. Federal subsidies from taxpayers from throughout the Nation for a limited, regional system would not be justified.

Although H.R. 1788 contains some positive reforms, this member is concerned that it will hasten the demise of long-distance routes. Mr. Chairman, for that reason this Member must oppose the legislation.

Mr. SMITH of Michigan. Mr. Chairman, as a chairman of the Budget Committee working group on physical capital, I rise to support H.R. 1788. Our Budget Committee recommended we make major cuts in transportation subsidies. Our inefficient rail programs have been losing money hand over fist for dozens of years. It is time to stop throwing good money after bad. Ultimately, we will phase out operating subsidies for mass transit.

Amtrak railroad has been losing tons of tax dollars—so we need to phase out operating and capital subsidies. And to give Amtrak a chance to make it on its own, we get rid of the thicket of regulations that keep Amtrak from being more competitive.

BACKGROUND

In 1970, the Congress created Amtrak as a for-profit corporation to provide nationwide intercity passenger rail service. Amtrak was expected to help alleviate the overcrowding of airports and highways, and to offer the public a convenient and efficient transportation alternative.

Like all major national intercity rail services in the world, Amtrak operates at a loss, and it has always needed Government funding. In 1995, Amtrak received nearly \$1 billion in operating subsidies from the Federal Government. Amtrak's financial and operating conditions have declined steadily since 1990.

FINANCIAL CONDITION

From 1991 to 1994, revenues were \$600 million lower than expected, while expenses were higher than planned. In the same time period, passenger revenues have fallen 14 percent in real terms. Amtrak's revenues and subsidies did not cover operating expenses, and Amtrak also deferred maintenance on train equipment. It also reduced staffing levels and some services.

Even with the proposed route downsizing and other savings initiatives, Amtrak expects that operating expenses will exceed the sum of operating revenues and the Federal subsidy by \$1.3 billion from 1996 through 2000. Plus, Amtrak will still need over \$4 billion for capital investments. Unmet capital needs in the Northeast Corridor alone now total \$2.5 billion.

To cope with funding shortages, in the late 1980's Amtrak started reducing train car maintenance. By the end of 1993, costly heavy overhauls where overdue for 40 percent of its nearly 1,900 cars. Amtrak also deferred renovating and modernizing its outdated maintenance facilities, contributing to its spiralling costs of inefficiency.

In the immediate future, Amtrak will face new negotiations with its labor force, the costs of which presently represents 52 percent of Amtrak's operating costs. Also, Amtrak faces certain cost increases for track leases, which will be renegotiated in 1996 for the first time since their agreement in 1971. H.R. 1788 helps Amtrak to survive.

PRIVATIZATION

None of Amtrak's routes—even those in the Northeast Corridor—are profitable when capital costs are taken into account. Revenue in the Northeast Corridor cover 65 percent of the costs on the routes, compared to about 50 percent for routes elsewhere.

Amtrak's fastest growing sources of revenues is contracts to operate local commuter rail systems. These contracts generated over \$270 million in 1994. Over the long term, Amtrak believes that high-speed rail service will increase ridership and revenues. High-speed service is now limited to track between DC and NYC, with extension to Boston underway. Amtrak has a 45 percent market share between DC and NYC. Private sector efforts to sponsor high-speed rail without substantial Government funding have been unsuccessful.

Mr. Chairman, the American people have had enough of big bureaucracies and increased taxes for handouts. By saving billions of dollars out of the physical capital budget, we help put our Nation on the path to a balanced budget. H.R. 1788 is a modest but necessary beginning.

Mr. DELAY. Mr. Chairman, my good friend and noted railroad expert Ray Chambers put it correctly. It is entirely possible to have healthy passenger rail service again in America. Congress would like it, and the American public would like it. But Amtrak today is fatally dependent on Federal operating subsidies.

This bill is the big first step toward allowing Amtrak to be self-sufficient. It makes many concessions that allow passenger rail service to flourish.

For years, passenger rail transportation has been weighted down with rules, regulations, and politics. Amtrak's board is controlled by the Federal Government. Many of the routes Amtrak travels have been designated right here by Members of Congress. Because of the long-distance trains that are politically des-

ignated, schedules to connect to these long-distance trains are driven by necessity rather than passenger demand. Under the legislation, Amtrak would decide the merits of various routes according to commercial potential, not arbitrary statutory preference. What a novel idea. Supply and demand.

This legislation allows Amtrak to climb out of another hole. The tremendous weight of Labor restrictions. Although I would have like to have seen the committee go much further, there are several provisions in the legislation that enable Amtrak to crawl out from under the Labor rock and begin to function competitively and efficiently.

A Seattle-based think tank, Discovery Institute, has taken a close look at Amtrak and its problems. They have devised a six-step approach that takes a reasonable approach toward creating self-sufficient, private, and competitive Amtrak. Their plan is forward thinking and deserves a close look.

There is already strong congressional support for a plan such as the Discovery Institute and other plans that offer privatization, self-sufficiency, and competition. With public support, these ideas could be instituted in a matter of a few years. Until the 1950's, the American train system was the best in the world. The airplane did not kill passenger rail service, Government and Labor's rules, regulations, and demands did. We in Congress have the ability to make passenger rail in the United States a success.

This bill is the necessary first step toward that goal.

Mr. KIM. Mr. Chairman, I rise in opposition to the amendment and in strong support of H.R. 1788 as it was reported from committee.

As a member of the Railroad Subcommittee and the full Committee on Transportation and Infrastructure, I can assure you that the authorization levels included in our bill are necessary for Amtrak reform.

Let me be clear, our bill puts Amtrak on a glide path to zero Federal subsidies.

Our bill conforms to the House budget resolution which eliminates Federal spending on Amtrak by the year 2002.

Our committee made substantial reforms to Amtrak that will make it operate like a private company and survive without Government subsidies.

Our bill makes some tough changes to Amtrak, and it will require major sacrifices by Amtrak and its employees.

These reforms will be difficult, but they are essential if Amtrak is going to survive into the next century.

For example, our bill eliminates Amtrak's mandated route system.

Amtrak will now be able to open routes that are profitable and close routes that lose money.

Under current law, Amtrak can't eliminate some routes without congressional approval. That's ridiculous.

Our bill also eliminates several labor provisions in law and transfers them to a collective bargaining process.

The labor unions strongly support these reforms and agree that Amtrak will save millions of dollars as a result.

But make no mistake. Amtrak will not experience significant savings for a few years.

It will take time for Amtrak to shut down money losing routes and contract out unprofitable operations.

As a result, Amtrak will need Federal subsidies for the next few years.

The Hefley amendment cuts Amtrak's budget immediately. Each year Amtrak's budget would be cut an additional 20 percent.

Now this may sound like a good idea, but the result will be the death of Amtrak.

Amtrak cannot survive the proposed cuts in the gentleman's amendment.

If Amtrak's subsidies are cut before the reforms are made, Amtrak will be forced to cut service on all of its routes.

Amtrak simply cannot afford to cut its revenue operations. This would only exacerbate Amtrak's financial problems and lead it to bankruptcy.

This amendment would devastate Amtrak.

You do not have to vote for this amendment to cut Federal subsidies for Amtrak.

Our bill already does that. Our bill makes the reforms needed to get Amtrak off Federal subsidies entirely.

If you want to save Federal dollars and save Amtrak, vote against this amendment.

Again, I urge my colleagues to vote against this amendment and support H.R. 1788. Thank you.

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Mr. LIPINSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. MOLINARI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part 1 of House Report 104-370, shall be considered by title as an original bill for the purpose of amendment. The first section and each title are considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 2 of the report, if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

If that amendment is adopted, the bill as then perfected will be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Reform and Privatization Act of 1995".

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER: Page 33, line 14, insert "and with respect only to the facilities it jointly uses with Amtrak, a commuter authority," before "shall not be".

Page 33, line 18, insert "For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements." after "January 1, 1998".

Page 36, after line 21, insert the following new section:

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

This is a bipartisan amendment which has the support of both sides of the aisle. The first part of the amendment gives Amtrak 1 additional year to comply with the station modification deadlines imposed by the Americans With Disabilities Act.

Amtrak has an ongoing program to make stations accessible, but is not able to meet the 1997 deadline. This provision covers both Amtrak-only stations and stations which Amtrak shares with commuter rail operators.

The second part of the amendment directs the Department of Transportation to transfer title to the State of Florida for some leftover aluminum materials used in magnetic levitation research in the 1970's. The materials are now stored in Pueblo, CO. This provision merely confirms what the Department of Transportation was directed to do in the House report on the National Highway System. It involves no expense to the Department of Transportation.

I would ask for its support.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the 5 minutes on our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the manager's amendment which simply clarifies, first, that where a commuter railroad shares a facility with Amtrak, the two railroads are subject to the same compliance date under the Americans With Disabilities Act, and the second deals with the request by the gentleman from Florida [Mr. MICA] to transfer property that the Federal Railroad Administration has at its test center in Pueblo, CO, to the State of Florida for use by the State.

The Federal Railroad Administration does not need this test equipment any further. The State of Florida wishes to do so. There is a reversion clause that if the State does not use this equipment, it can be returned to the Federal Railroad Administration.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Illinois.

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding.

I simply want to say that I stand in support of the manager's amendment.

Mr. Chairman, I support the manager's amendment. It has two components.

Section 610 of H.R. 1788 allows Amtrak to delay compliance with certain provisions of the Americans With Disabilities Act, but does not afford the same benefit to commuter railroads which share stations with Amtrak. Without this provision, commuter rail authorities could bear the entire cost of making stations accessible to people with disabilities when the stations are renovated. The amendment assures that commuter railroads are given the same treatment as Amtrak and are not penalized in any way.

The second element of the manager's amendment requires the Federal Railroad Administration to transfer some unused magnetic levitation test track equipment to the State of Florida. Since Florida needs the equipment and the FRA doesn't this move makes sense. In the event Florida is unable to use the equipment, it will be returned to the FRA.

Mr. Chairman, I support this amendment and urge its adoption.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute, as modified, as amended, be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute, as modified, as amended, is as follows:

TITLE I—PROCUREMENT REFORMS**SEC. 101. CONTRACTING OUT.**

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

“(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

“(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

“(B) If Amtrak enters into a contract as described in subparagraph (A)—

“(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

“(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

“(C) This paragraph shall not restrict Amtrak’s authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.”.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

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

“(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

“(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

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

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

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

“(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 10922(d)(1)(F)(i) of this title, other than a recipient of funds under section 18 of the Federal Transit Act;

“(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

“(iii) if the buses, when used in the provision of such transportation, are used exclusively for

the transportation of passengers described in clause (ii).

“(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.”.

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.”.

SEC. 103. FREEDOM OF INFORMATION ACT.

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

TITLE II—OPERATIONAL REFORMS**SEC. 201. BASIC SYSTEM.**

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

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

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

(1) in subsection (a)(1)—

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

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

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

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

(3) by striking subsection (b).

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

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

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

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

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

“(c) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.”.

SEC. 203. ROUTE AND SERVICE CRITERIA.

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

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

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

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

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

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

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

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

SEC. 206. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

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

“(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.”.

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

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

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

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

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

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

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

(C) by inserting “to an agreement described in paragraph (1)” after “If the parties” in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

“(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

“(2) The parties to a dispute described in paragraph (1) may agree to use the Interstate Commerce Commission to arbitrate such dispute, and if requested the Interstate Commerce Commission shall perform such function.”.

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

“(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak’s operations.”.

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

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

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

(2) by adding at the end the following new subsection:

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

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—(1) Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to—

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to each dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 180 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—(1) With respect to any dispute described in subsection (a) which—

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 224

days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 302. SERVICE DISCONTINUANCE.

(a) REPEAL.—(1) Section 24706(c) of title 49, United States Code, is repealed.

(2)(A) Any provision of a contract, entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees, relating to—

(i) employee protective arrangements and severance benefits, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(ii) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak is extinguished. This paragraph shall not apply to provisions defining the scope or classification of work performed by an Amtrak employee.

(B) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, subparagraph (A) shall take effect 164 days after the date of the expiration of such moratorium.

(3) Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

(4) Paragraphs (1) and (2) of this subsection shall take effect 254 days after the date of the enactment of this Act.

(b) INTERCITY PASSENGER SERVICE EMPLOYEES.—Section 1165(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1113(a)) is amended—

(1) by inserting “(1)” before “After January 1, 1983”;

(2) by striking “Amtrak, Amtrak Commuter, and Conrail” and inserting in lieu thereof “Amtrak and Conrail”;

(3) by striking “Such agreement shall ensure” and all that follows through “submitted to binding arbitration.”; and

(4) by adding at the end the following new paragraph:

“(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90 days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.”.

(c) TECHNICAL AMENDMENT.—Section 11347 of title 49, United States Code, is amended by strik-

ing “sections 24307(c), 24312, and” and inserting in lieu thereof “section”.

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

“§28103. Limitations on rail passenger transportation liability

“(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

“(A) punitive damages shall not exceed the greater of—

“(i) \$250,000; or

“(ii) three times the amount of economic loss; and

“(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than \$250,000.

“(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

“(3) For purposes of this subsection—

“(A) the term ‘actual damages’ means damages awarded to pay for economic loss;

“(B) the term ‘claim’ means a claim made, directly or indirectly—

“(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

“(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

“(C) the term ‘economic loss’ means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

“(D) the term ‘noneconomic damages’ means damages other than punitive damages or actual damages; and

“(E) the term ‘punitive damages’ means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

“(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

“(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the ‘Federal Employers’ Liability Act’) or under any workers compensation act.

“(d) DEFINITION.—For purposes of this section, the term ‘rail carrier’ includes a person

providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car."

(b) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability."

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

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

"§24304. Employee stock ownership plans

"In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans."

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

"24304. Employee stock ownership plans."

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

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

(3) Amtrak shall redeem any such common stock held after the expiration of the 2-month period described in paragraph (1), using procedures set forth in section 24311(a) and (b).

(c) ELIMINATION OF LIQUIDATION PREFERENCE AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no liquidation preference.

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

(2)(A) Preferred stock of Amtrak held by the Secretary of Transportation shall confer no voting rights.

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

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

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

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

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

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (M) as subparagraphs (A) through (L), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

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

"(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.

SEC. 503. BOARD OF DIRECTORS.

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

"§24302. Board of Directors

"(a) EMERGENCY REFORM BOARD.—

"(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

"(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

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

"(i) the Speaker of the House of Representatives concerning the appointment of two members;

"(ii) the minority leader of the House of Representatives concerning the appointment of one member;

"(iii) the majority leader of the Senate concerning the appointment of two members; and

"(iv) the minority leader of the Senate concerning the appointment of one member.

"(C) Appointments under subparagraph (A) shall be made from among individuals who—

"(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

"(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

"(b) DIRECTOR GENERAL.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1995, the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

"(c) BOARD OF DIRECTORS.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved."

(b) EFFECT ON AUTHORIZATIONS.—If the Emergency Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before March 15, 1996, all provisions authorizing appropriations under the amendments made by section 701 of this Act for a fiscal year after fiscal year 1996 shall cease to be effective.

SEC. 504. REPORTS AND AUDITS.

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

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

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

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

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting "The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak." after "with comparable responsibility."

SEC. 506. EXEMPTION FROM TAXES.

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

(1) by inserting ", and any passenger or other customer of Amtrak or such subsidiary," after "subsidiary of Amtrak";

(2) by striking "or fee imposed" and all that follows through "levied on it" and inserting in lieu thereof ", fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, 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"; and

(3) by amending the last sentence thereof to read as follows: "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, 1995."

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) APPOINTMENT.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the "Council") shall be appointed under this section.

(b) DUTIES.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

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

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

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

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

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

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

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

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

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) REPORTS.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors

and the Congress an interim report on its findings and recommendations.

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

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

SEC. 602. PRINCIPAL OFFICE AND PLACE OF BUSINESS.

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

(1) by striking the first sentence;

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

(3) by inserting “For purposes of this subsection, the term ‘State’ includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal office and place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act.” after “in a civil action.”.

SEC. 603. STATUS AND APPLICABLE LAWS.

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

(1) in subsection (a)(1), by striking “rail carrier under section 10102” and inserting in lieu thereof “railroad carrier under section 20102(2) and chapters 261 and 281”; and

(2) by amending subsection (c) to read as follows:

“(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11303, 11342(a), 11504(a) and (d), and 11707. 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.”.

SEC. 604. WASTE DISPOSAL.

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

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

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

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

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

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

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

SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

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

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

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

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

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

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

“(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls,

Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak’s own requirements for electrified passenger service are provided by public or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.”.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998.

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

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

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

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

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

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

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

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting “, including a unit of State or local government,” after “means a person”; and

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

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

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

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “Amtrak.”.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

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

SEC. 615. INTERSTATE RAIL COMPACTS.

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

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

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

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

(B) the purchase of locomotives; and

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

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

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

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

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

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

(B) issue bonds; and

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

SEC. 616. CONFORMING AMENDMENT.

Section 10362(b) of title 49, United States Code, is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 24104(a) of title 49, United States Code, is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

“(1) \$772,000,000 for fiscal year 1995;

“(2) \$712,000,000 for fiscal year 1996;

“(3) \$712,000,000 for fiscal year 1997;

“(4) \$712,000,000 for fiscal year 1998; and

“(5) \$403,000,000 for fiscal year 1999,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C).”.

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

“(b) ADDITIONAL AUTHORIZATIONS.—(1) In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

“(A) \$200,000,000 for fiscal year 1995;

“(B) \$200,000,000 for fiscal year 1996;

“(C) \$200,000,000 for fiscal year 1997;

“(D) \$200,000,000 for fiscal year 1998; and

“(E) \$200,000,000 for fiscal year 1999,

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

“(2) In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

“(A) \$21,500,000 for fiscal year 1995;

“(B) \$10,000,000 for fiscal year 1996;

“(C) \$10,000,000 for fiscal year 1997;

“(D) \$10,000,000 for fiscal year 1998; and

“(E) \$10,000,000 for fiscal year 1999,

for the benefit of Amtrak to be used for engineering, design, and construction activities to enable the James A. Farley Post Office in New York, New York, to be used as a train station and commercial center and for necessary improvements and redevelopment of the existing Pennsylvania Station and associated service building in New York, New York.”.

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

(d) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) \$50,000,000 for fiscal year 1996;

(2) \$50,000,000 for fiscal year 1997;

(3) \$50,000,000 for fiscal year 1998; and

(4) \$50,000,000 for fiscal year 1999,

for guaranteeing obligations of Amtrak under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(e) CONDITIONS FOR GUARANTEE OF OBLIGATIONS.—Section 511(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall not require, as a condition for guarantee of an obligation under this section, that all preexisting secured obligations of an obligor be subordinated to the rights of the Secretary in the event of a default."

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CLEMENT: Page 36, after line 21, insert the following new section:

SEC. 617. RAILROAD LOAN GUARANTEES.

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

"(4) continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States;"

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking "shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market," and inserting in lieu thereof "shall not exceed the annual percentage rate charged equivalent to the cost of money to the United States;"

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

"(2) payment of the obligation is required by its terms to be made not less than 15 years nor more than 25 years from the date of its execution, with no penalty imposed for prepayment after 5 years;"

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

"(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;"

Mr. CLEMENT. Mr. Chairman, earlier this year, I introduced legislation with my good friend and colleague, SPEAKER BACHUS, to amend the section 511 Railroad Loan Guarantee Program and make it more accessible for small carriers. This legislation enjoys strong bipartisan support from Members both in committee and in the whole House.

The section 511 Loan Guarantee Program is tremendously important to the 530 small railroads that operate in every State and provide access to the Nation's major rail network for thousands of shippers. Authorized since 1976, this loan program provides a source of long-term capital for infrastructure and equipment.

However, in recent times funds have not been available for investment in regional and short line infrastructure projects at the very time these companies have taken over 35,000 miles of failing railroad lines. And more lines will be headed for abandonment as the major railroads merge and consolidate their operations.

Regional and shortline railroads are businesses operating on lines that otherwise would have been abandoned. Many of these lines had been undermaintained for decades. Furthermore, most commercial banks do not understand railroading and are leery of rail loans. Track and infrastructure loans to maintain and upgrade 30-year assets are made available only at high interest rates and short payback periods. These terms are not viable for these small businesses.

In addition, acquisition of a line by the railroad often requires high-cost, short-term debt which drains internally generated cash which could otherwise be devoted for rehabilitation. This has created a credit crunch throughout the regional and short line industry. A 1993 report to Congress from the Federal Railroad Administration stated that there is a \$440 million shortfall in routine maintenance funding for class II and class III freight railroads that cannot be generated by internal cash or borrowed on acceptable terms. There is clearly a demonstrated need for the section 511 program.

The amendment proposed by myself and Congressman SPENCER BACHUS would make several modest, some may even say technical, changes to the section 511 program to make it more compatible with the needs of small railroads and for its use in the commercial banking sector. Specifically, the amendment would set the interest for guaranteed railroad loans at the Federal Treasury rate and establish a minimum repayment period of 15 years. The amendment also allows the asset being financed to be used as collateral for the loan.

These changes are necessary to allow small railroads to complete larger, multiyear track and bridge projects. More importantly, in this new era of fiscal consciousness, these changes to the section 511 railroad loan guarantees program have a negligible budget impact. The program is already permanently authorized at \$1 billion, of which approximately \$980 million is currently available for commitment.

Mr. Chairman, this amendment will help an important segment of our transportation system. The amendment is supported by the Regional Railroads of America, the American Short Line Railroad Association, and the American Association of State Highway and Transportation Officials. I urge the adoption of the Clement-Bachus amendment.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a good amendment. It makes the loan guarantee program more user-friendly. We support it on this side and urge its adoption.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my good friend from Tennessee, BOB CLEMENT.

Mr. CLEMENT's amendment is based on legislation he has introduced, H.R. 2205, the Rail Infrastructure Preservation Act of 1995. I am an original cosponsor of this legislation, and I fully support Mr. CLEMENT's effort to include the relevant portions of that bill in the Amtrak reauthorization.

H.R. 1788 authorizes \$50 million annually for loan guarantees under the program created by section 511 loan guarantee program. Although the section 511 loan program has been used principally to support rehabilitation of branch lines in rural areas, the bill expands the program for use on Amtrak's infrastructure. I strongly support inclusion of this provision in this legislation.

Mr. CLEMENT's amendment amends section 511 to make it easier for borrowers to qualify for loans. It clarifies the program's purposes to favor continuation of service on or preservation of light density rail lines. It reduces the interest rate for guaranteed railroad loans to the Treasury bond interest rate. It establishes a 15-year repayment period for the loan, but allow prepayment without penalty after 5 years. Finally, the amendment enables the Secretary of Transportation to waive collateral requirements if he thinks repayment is likely.

This amendment will remove arbitrary barriers currently preventing the most effective use of the program. It takes a good program and makes it better. I urge adoption of the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield to me?

Mr. LIPINSKI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

I, too, rise in support of the Clement amendment.

The problem that it addresses is that of rehabilitation of branch lines in rural areas, and it addresses that problem in a very reasonable, responsible, thoughtful way by providing financing mechanisms that would make it possible through loan guarantee programs to lower the interest rate and provide a penalty-free prepayment period after 5 years, empower the Secretary of Transportation to waive collateral requirements. Those are financial impediments to investment in those branch lines that are so important to service in rural areas.

Believe me, I know. I have got a rural district, and we need this kind of service, and I think the amendment comes too late for most of my district. Those branch lines were abandoned a long time ago. Had we had such language 20 years ago, many small towns in the 8th District of Minnesota and elsewhere in the State of Minnesota would still be competitive economically because they would have branch line rail service.

I commend the gentleman for offering the amendment. I commend the gentleman from Illinois for working it

out, and I appreciate the support of the chairman of our committee on this amendment.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from California.

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Chairman, I, too, rise in support of the Clement-Bachus amendment.

Mr. OBERSTAR talked about rural help. This will also help urban areas.

In San Diego, for example, the 511 program will help us revise a railroad that will go from the port of San Diego to connect up with the national rail system to the east coast. It will completely transform the economy of San Diego if we were able to revive this line under the program that 511 authorizes.

So, Mr. Chairman, both sides, this amendment is important. It will help the economy of the United States in many, many areas.

Mr. Chairman, I want to rise in support of the proposal put forward by Congressman CLEMENT to amend the 511 Loan Guarantee Program. I commend Congressman CLEMENT for his initiative. In my view this program is essential to the continuation of service on light density Rail lines that are necessary to continued employment and community well-being throughout the United States.

This is an area of great interest to me. As the House may recall, together with my colleague, Congressman COOLEY and Congressman RAY LAHOOD, I engaged in a colloquy with the chairman of the Transportation Appropriations Subcommittee to support this basic policy.

This is an excellent proposal to help support the critical rail infrastructure of this country. The directly competitive truck and barge industries receive great funding windfalls from transportation infrastructure investment. Critical regional and shortline railroads have no access to similar funds. Reactivation of the 511 program will insure the reconstruction and repair of a significant portion of America's rail infrastructure which is operated by regional and shortline railroads.

The 511 Loan Guarantee Program has been authorized since 1976. In the 1970's and 1980's it was primarily used to assist large financially troubled railroads. The Clement amendment will help meet the infrastructure needs of small railroads. In recent times, funds have not been available for investment in regional and shortline infrastructure at the very time these companies have taken over 35,000 miles of failing railroad line. Most of these lines were headed for abandonment by the large railroads.

An example of such a small railroad can be found in my own district. In 1984, a Texas firm which operates shortline railroads, established the San Diego & Imperial Valley Railroad, which provides freight service over a central line at night when the municipal trolleys are not operating. This small railroad has provided good service and been profitable.

Unfortunately, in 1976, major sections of the track were destroyed on the Desert Line which connects the San Diego & Imperial Valley to the National Railroad System. It has long been

a major objective of the San Diego Association of Governments to reconnect the railroad to the National Rail Network in the Imperial Valley. This will have major benefits for shippers in the San Diego area and will provide relief for the transit lines which currently carry both freight and passengers into Los Angeles. Even though the track itself is owned by the transit district, management of the San Diego & Imperial Valley Railroad has informed us that they will finance the reconnection if section 511 loan guarantees are made available.

I strongly urge my colleagues to support Congressman CLEMENT's amendment that will allow the small regional and shortline railroads, such as the San Diego and Imperial Valley, to maintain their infrastructure needs and continue to provide essential freight service.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Let me simply say this: We have all seen branch lines and spur lines across this country, and a lot of those lines, to us, look like two iron rails with a lot of weeds in the middle, and sometimes you even think that they are abandoned. But about once a week or once a day a train will go down that track, and it will haul two or three box-cars or haul a tank car or a hopper car, and it is always headed for a factory or to a grain elevator. We may say, "What is the use of saving these lines that are used only once or twice a week or once a day? Why don't we just let them die?"

What we have to understand is when we let those lines die, we kill jobs. We kill jobs in rural America. We may have a branch line that runs 100 miles and serves seven or eight grain elevators. When that line dies, not only do we lose three or four jobs on that railroad but we also lose those jobs at the grain elevators and we lose those farmers' opportunities to get their grain, to sell their grain, to have that grain go overseas and contribute to a trade surplus, not a trade deficit like we have today.

□ 1200

I have a factory in my district that employs 14 people. Once every 10 days, two tank cars are delivered to that factory. The railroad loses about \$2,000 every month supplying that factory, but that factory makes a \$40,000 a week payroll to that community. So we have to in certain cases not only protect those lines, not for the railroad jobs, but for the factory jobs, because that is also the largest employer in a small town in my district.

So this bill is absolutely critical. If you vote against this amendment, then you are voting against small business and you are voting against some large businesses in some very small towns. You are going to kill some small towns. You are going to kill some factories. This is as good an amendment as you will see on the floor of this House, and I urge its passage.

I also say one day, if this bill is defeated, the entire bill, we are going to

lose another opportunity. Today in Paris, France, 1,500 trains will leave Paris, France, delivering passengers. Amtrak has about 200 trains a day. France is the size of Texas. We do not have much of a passenger system left in this country.

In Japan, 20 percent of the people that travel today will travel on trains. Here, less than 1 percent will travel by train. When we talk about future generations, we owe it to future generations to work out not only this short-term solution to preserving passenger rail transportation, but also a long term solution.

The Japanese, the Germans, the British, and the French, they all have excellent train travel. 15, 20, 25 percent of their citizens take advantage of that on either a daily or a weekly basis. We can do the same. We can compete, and, in doing so, we can end the gridlock on our highways and the dangerous situation we have in our skies today.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I compliment the gentleman on his vision of transportation and his understanding of the interrelationships of short line rail service and small town economics. That is what we are talking about. The gentleman painted it in very graphic terms. Also his larger vision of high speed rail service, which I addressed in my opening remarks on the bill today.

I just want to compliment the gentleman and associate myself with his observations.

Mr. BACHUS. Mr. Chairman, we are going to spend much less than \$1 billion each year over the next few years on passenger rail travel. The Germans today are building one 86-mile rail corridor at the cost of \$5.7 billion. They are putting people to work building for the future.

If this bill goes down, we lose our dream of having a good transportation system in this country. We can put people to work, we can build on that dream, or we can turn our backs on viable transportation in this country. I would urge a "yes" vote on the bill and on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by [Mr. TRAFICANT]: Page 5, after line 14, insert the following new section:

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track

work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to ensure that Amtrak's specifications match the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall annually report to the Congress on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment deals with an issue where the track that is being purchased, new track, much of it is being purchased from Europe. One of the reasons that Amtrak is buying most of its track from Europe is because their limited specifications have made it almost impossible for American manufacturers to bid competitively in this arena.

The Traficant amendment basically says that Amtrak and the American manufacturers shall get together, sit down, talk about these specifications, see how they can be in fact worked out, and see how engineering assistance and some engineering advice could be granted to the American manufacturers of trackwork so they would have an opportunity to make it and get some of that business.

Finally, it calls for a report to the Congress within 2 years after the date of enactment of this bill on the progress they are making, including a statement on the percentage of America's trackwork contracts that are awarded to American manufacturers.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, this is an excellent amendment. We support it on this side and urge its adoption.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Ohio really is justifiably known in this Congress as Mr. Buy-American, and he constantly raises the consciousness of this body to the needs of protecting the American workplace against unfair practices from our foreign competitors. The instance in which the gentleman addresses us today is one such example of unfair competition from abroad.

The Subcommittee on Investigations and Oversight during the years when the gentleman from Pennsylvania [Mr. CLINGER] and I were working together on those matters, held hearings on the Buy American Act as it applied to rail, intracity rail transit systems, Corps of Engineers, and the highway program. We found that the Federal Highway Administration was 100 percent in compliance with the Buy American Act. All the steel going into our highways was American steel. The Corps of Engi-

neers was about 90 percent. We brought them into compliance. Horrible was the Urban Mass Transit Administration, overlooking, turning the other way, not enforcing the existing law. As a result, we have lost capacity which has flown overseas, and foreign manufacturers have now changed the standards which American manufacturers invented and created, and now they cannot compete because they cannot comply.

The gentleman's amendment will put us back on track toward compliance and toward competitiveness again. I compliment the gentleman for raising this issue and bringing this amendment to us. I support the amendment.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to compliment the ranking member for all the work he has done before Members like myself got here. The gentleman deserves a lot of credit for most of these initiatives.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Chairman, I want to thank the gentleman from Ohio, "Mr. Buy American," for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

There may be no one in this body who is as strong a supporter of American workers as Mr. "Buy American." I have consistently supported the gentleman's efforts on this issue, and today is no exception.

Although Amtrak is already covered by a buy-American provision, because the so-called trackwork used by Amtrak is not produced in the United States, Amtrak is permitted to buy from a foreign manufacturer. Trackwork for freight railroads is manufactured in the United States, but these manufacturers do not presently build trackwork of the quality standards required for Amtrak's passenger trains.

This amendment requires that Amtrak and the American manufacturers work together to find ways to increase the ability of the manufacturers to meet Amtrak's specifications for trackwork. Amtrak will report back to Congress within 2 years on its progress.

Both Amtrak and the American trackwork manufacturers want Amtrak's trackwork to be procured from American firms. This amendment will enable them to work toward that goal.

Mr. Chairman, this is a well-reasoned buy-American amendment. I commend Mr. TRAFICANT for his leadership and urge adoption of the amendment.

Mr. Chairman, I also would like to compliment him on his performance yesterday on the sports talk show that I watched on television. The gentleman is not only an outstanding legislator, but he also happens to be one of the most knowledgeable people that we

have here in Congress—not only football, which he played at the University of Pittsburgh, but also on baseball, basketball, and just about any other sport one can think of.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from New York.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I welcome the opportunity to once again support the gentleman's amendment. It is a good amendment to a very good bill.

We are moving in the right direction with respect to Amtrak. I hope all of our colleagues are paying attention, because if they have not had personal experience with Amtrak, I encourage them to do so. It is more efficient, it is cleaner, it is doing a magnificent job, it saves energy, and it is energy efficient, and, boy, is that not refreshing these days, and it is environmentally clean. We should support Amtrak for all the right reasons. So I am glad to have a good amendment to a good bill for a worthy cause.

Mr. Chairman, I believe this is a good bill and will help Amtrak to become more business-like, cut costs, and become less dependent on Federal subsidies. In preparing for the reauthorization of Amtrak we listened to numerous expert public witnesses, Amtrak, and others associated with transportation. From these discussions it became clear that without significant cost-cutting reforms, Amtrak would not survive as a national system. This bill does bring about real reform for Amtrak in a number of key areas. More important, however, it gives Amtrak the tools it needs to become less dependent on direct Federal subsidies.

There are many of us on the committee who have Amtrak in their districts and know how vital that service is to the communities. When Amtrak came before the Railroad Subcommittee in February to testify, the corporation was faced with a huge deficit. Over the past 12 months, Amtrak has cut routes, has reduced frequencies on other routes, and has cut back its staff. Amtrak's efforts have led to significant cost savings and closed a significant shortfall in the past fiscal year.

As of the end of the fiscal year, passenger revenues are up, the work force has been pared down, and on-time and safety performance continues to improve. In the business plan put forth by Amtrak at the beginning of the fiscal year, the corporation projected a bottom-line improvement of \$174 million. But the improvement exceeded expectations—Amtrak improved the bottom line by \$193 million. The internal reforms being implemented and the aggressive business strategy being pursued at Amtrak are showing success.

Today we will take legislative actions to allow Amtrak to manage their system free from inefficient structures and legislatively imposed impediments. These next few years will be pivotal in determining Amtrak's future, and it is my desire to help Amtrak adhere to, and succeed at, the plan for self-sufficiency. Enactment of this bill is a significant step down that path, and I hope you will support it.

Mr. TRAFICANT. Mr. Chairman, I say if Amtrak does not restate their service to my valley, there is going to be hell in the Congress over the next several years. I ask for an affirmative vote.

Mr. FRANKS of New Jersey. Mr. Chairman, I move to strike the last word.

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 1788, and I want to particularly congratulate the gentlewoman from New York [Ms. MOLINARI], and the gentleman from Pennsylvania [Mr. SHUSTER] for producing this excellent bill. It would be a disgrace for our Nation not to have a national passenger railroad. If Congress does not pass this legislation, that is precisely what will happen.

In my home State of New Jersey, the gridlock on our highways and congestion at our airports would be enormous if Amtrak were to shut down. Anyone who doubts this fact should take a ride on the most heavily traveled roadway in all of the world, the New Jersey Turnpike, or try to catch a flight out of Newark Airport, one of the busiest airports in the Nation. Without the option to take the train, millions of travelers would be forced to drive or fly. As New Jersey's highways and airports are already operating at or near capacity, the delays and congestion would simply be intolerable.

Mr. Chairman, this bill represents a reasonable compromise that gives Amtrak a fighting chance to become financially self-sufficient. Without this bill, Amtrak goes out of business. I urge my colleagues to keep the trains running by supporting this legislation.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I am going to rise in support of H.R. 1788, the Amtrak Reform and Privatization Act. I want to commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, the gentlewoman from New York [Ms. MOLINARI], the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member, and others in the committee for their fine work on this piece of legislation.

Earlier this year I had introduced H.R. 832, the Amtrak Flexibility Act of 1995, which would have repealed the current statutory requirement that Amtrak pay every employee on a discontinued route severance pay equal to 1 year of full pay for every year of service up to 6 years maximum service. This bill repeals that requirement and does allow Amtrak to renegotiate its labor agreements.

The committee members and the Amtrak officials and union representa-

tives have all worked on this particular section of the bill, and while no side is totally happy, they all agree that this is a good compromise. I support that compromise.

Mr. Chairman, I would like to point out that Amtrak has suffered a decline in ridership over the last several years and, as a result of that, their operating costs as a percentage of their total revenues have gone up, which has made it very difficult for them to make a profit. Hopefully with this legislation, Amtrak can reform itself, it can discontinue those routes that are uneconomic and maintain those routes that are, and there will be Amtrak passenger service in the parts of the country that support it.

So, Mr. Chairman, I rise in support of the amendment, in support of the bill, and again want to thank the leadership for this.

The bill revises a number of existing laws to enable the National Railroad Passenger Corporation [Amtrak] to operate less like a Government agency and more like a profitable business;

It eliminates restrictions on contracting out many services, and allows Amtrak to renegotiate labor agreements with its unions; and

It lifts the burdensome requirement that Amtrak continue operating the entire system of routes it inherited in 1971.

Part of Amtrak's current quagmire is a result of their statutory severance package, which this legislation finally deals with. This bill, H.R. 1788, permits management to renegotiate labor agreements without having a mandated 6-year provision in place.

H.R. 832, The Amtrak Flexibility Act of 1995, would have repealed the current statutory requirement that Amtrak pay every employee on a discontinued route severance equal to 1 year of full pay for every year worked for Amtrak up to a 6-year maximum, which the majority of employees qualify for. H.R. 1788 achieves many of the goals addressed in my bill.

These labor protection requirements are relics of a bygone era. This statute was mandated to protect rail workers moving to the public sector when Amtrak was created in 1971. Only 35 of those original employees still work for Amtrak. Today, Amtrak employs 24,000 people. This legislation will permit Amtrak management to make the necessary reforms, so they have a chance to become profitable.

The State of Texas—according to Amtrak's own figures, their Texas ridership plummeted from 299,083 in 1993 to 202,412 in 1994. That's a loss of 32 percent. At the same time, Amtrak has only lost 13 of its 161 Texas employees. Additionally, non-payroll Amtrak spending has increased in Texas from \$5.3 million to \$8.5 million—an increase of 60 percent. This bill will permit Amtrak reduce uneeded routes in Texas while saving taxpayer's dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: In Section 401, strike lines 9 through 12 on page 18.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, the amendment I am offering today corrects a highly discriminatory provision of H.R. 1788 which caps the amount of noneconomic damages that a victim of a railroad accident may recover at \$250,000 above the level of economic damages. This provision pertains not only to a claim against Amtrak, but would also apply to a claim against any railroad, subway system, or any other defendant, so long as the accident involved passenger rail operations. This is wrong, it is nonsensical, it is simply unfair.

My amendment would strike this provision from the bill and I urge its adoption.

Although not as highly publicized as airplane crashes, train accidents are occurring in alarming numbers every year. According to the latest Federal Railroad Administration statistics, there were 21,730 total train accidents in 1993 resulting in 1,279 deaths and 19,121 injuries. Many of these train accidents involved the provision of rail passenger transportation services. In fact, about 8.5 times more people died in accidents involving Amtrak in 1993 than died in all U.S. scheduled commercial airline accidents. A cap on noneconomic damages could exacerbate the situation without resulting in any significant cost savings.

The noneconomic damages in this bill would unfairly impact the most seriously injured accident victims; create an arbitrary and inflexible limit on recovery of pain and suffering damages regardless of the underlying circumstances of each case, that is, loss of eyesight is worth a maximum of \$250,000 above economic damages and so is loss of eyesight combined with loss of hearing; and discriminate against women, the young, the elderly, and others who may not have large economic losses.

Here's how the cap would work: Recall that five children died, and many others were injured recently when a train smashed into a schoolbus at a grade crossing in Fox River Grove, IL. The noneconomic damages cap in this bill could limit the recovery of those children and their families to a paltry sum. Because the typical child does not suffer lost wages or other economic damages, even the most catastrophically injured children could be limited to just \$250,000 if they cannot show economic harm.

Congress should be focusing on the critical need for improved rail safety in the United States, not hindering the ability of our legal system to fairly compensate accident victims and to hold negligent rail passenger transportation providers fully accountable.

□ 1215

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment. I must strongly oppose my friend's amendment. The liability limitations reflect the seriousness of a long series of negotiations so we could bring this bill to the floor with support on both sides, as well as with Amtrak and the freight railroads.

Limitations on liability from passenger rail accidents are absolutely necessary because the current arrangement unfairly requires the freight railroads, which are not forced to ask Amtrak to operate over their property by law, to assume the potentially ruinous financial risk of a passenger rail accident.

Current Amtrak payments of approximately \$80 million to the freight railroads for the use of their right of way do not come close to covering the potential risk posed by a passenger rail accident. In Chase, MD, for example, in which 16 people were killed, Conrail settled out of court for approximately \$130 million.

Limitations on liability in domestic passenger transportation are common. There is a statutory limitation which was enacted last year for the Virginia Railway Express Commuter Service. In addition, there are liability limitations for aviation and some transit operations.

Let me emphasize, Mr. Chairman, without a reliable fix for liability which is in this bill and which the gentleman's amendment would strike, the freight railroads are unlikely to permit any passenger rail operators other than Amtrak to use their right of way. Amtrak's current operating agreements with the freight railroads expire in April 1996.

If Congress does not settle the liability dispute now, the successor agency to the ICC, which has no expertise in this area whatsoever, will be forced to resolve this important issue. If the liability reform in this bill is stricken, it puts in jeopardy the entire success of the bill in the long run, so I strongly urge defeat of this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, admittedly we had not had time in advance, before consideration of the bill, to examine this issue. It has been raised just prior to coming to floor consideration of the bill. But on the merits, on just an analysis of the limitation in the bill, it strikes me that the bill limits noneconomic damages in the following way.

If a person of some means suffers lost income of, say, \$1 million, that person can collect the \$1 million plus up to \$1,250,000 for pain and suffering, whatever that person can prove in court. On the other hand, if a child is injured in an accident, say from a family of lesser means, that child would have no lost income. The child's noneconomic damages, that is, those for pain and suffering, would be limited to \$250,000.

On the one hand, why would you allow a person of substantial means, a

wealthy person, to collect \$1 million plus \$1,250,000 and limit a child to \$250,000? Why, on the other hand, would you tie pain and suffering to economic damages? They have no relationship one to the other. Most of those matters anyhow are covered by the insurance that the railroads cover. Of course, they are going to have an increase, should they have a rash of accidents, an increase in their insurance costs, but that is a separate matter.

It just strikes me that in dealing with problems of Amtrak, that we should not go beyond and get into tort law limitations. There is an element of fairness that we ought to address and that the gentleman's amendment certainly does address.

Furthermore, the bill does protect freight railroads by requiring—they expect agreements of Amtrak to indemnify the railroads for damages for Amtrak passenger operation injuries. So I think there is plenty of protection in this legislation for the freight railroads, but it is the passenger that comes up short. Regrettably, this is an issue we did not sufficiently address prior to coming to the House floor. It is now being addressed, and I think it should be. I think the gentleman's amendment should pass.

Ms. MOLINARI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment strenuously. This amendment would subject Amtrak and the freight railroads providing infrastructure to Amtrak to unlimited noneconomic damages. This would effectively destroy a carefully crafted reform bill that addresses the current unworkable liability situation on Amtrak.

The cap that this amendment would eliminate is parallel to the one that the House approved in certain situations, such as medical malpractice, under the recent product liability bill. The key fact to keep in mind about liability reform the Amtrak is that it is the taxpayer who has to pay for excessive liability awards. Amtrak's liability either hits Amtrak directly or hits the freight railroad who furnished the track. Either way, the costs get passed back to the taxpayer, because Amtrak pays access charges to the freight railroads. Those charges necessarily include liability as a so-called incremental cost.

So be very clear about this. Under this amendment, the taxpayers of the United States who helped to finance Amtrak would have their fees increased in order to pay for this.

Remember also, this is not a voluntary service by the freight railroads, Amtrak, its access to their tracks by Federal law, whether the freight railroad wants to or not. This is in stark contrast to companies who sell a product or a service voluntarily.

So, in closing, let me just advise the Members here that we are talking about passing these costs on to the Amtrak riders and to the taxpayers in

general who subsidize Amtrak service, and that this is a double penalty on freight railroads who, by Federal statute, have been allowed to service Amtrak.

We may in future years, if we are lifting this cap, have to rethink the Federal obligation to mandate services upon the freight railroads, because it seems to me that we cannot penalize in two situations, which is precisely what this does.

I urge all my colleagues to vote for the Collins amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just wanted to point out just a few weeks ago on November 2, a toddler stroller got struck in the train door in the Greenwich Village subway station in New York; and however, you know, Esmae Pender was able to snatch Anthony, her 9-month-old son from the stroller seconds before the train pulled out of the station, and he escaped injury. However, this lady's incident occurred just 1 week after the November 25 accident in which a child was pulled from beneath a stroller caught in doors between a subway stop at Fifth Avenue subway station. My amendment would have enabled the parents of that little child to in fact have more than the economic damages of \$250,000 that we are talking about here. I think it is a fair thing to do. I thank the gentleman for yielding.

Mr. LIPINSKI. I would like to say that this particular issue has been debated, discussed, negotiated upon to a great extent since we first started hearings on the Amtrak legislation. The language that exists in the bill at the present time from my perspective is a considerable improvement over what was in the bill originally.

By the same token, it has always been my position that I seriously question tort reform being involved in this Amtrak reform legislation. I also think that it is to a great degree really a matter of fairness. As I mentioned earlier, since the start of the Amtrak deliberation we have gone over this issue and gone over it and gone over it, and perhaps even though we were unaware of this amendment coming to the floor today until very recently, something like 5 minutes after we started a debate on the rule for this bill, I am happy that it has come to the floor.

I do support it, and I believe that it is only fitting and proper that in a democracy, that ultimately the Representatives of the people in total have an opportunity to vote on this particular, to vote on this particular issue. It should not be restricted simply to the members of the Committee on Transportation and Infrastructure.

So even though I know we have debated it forever, this is another opportunity for us to debate it, but more importantly, for the other Members of the

House of Representatives to have their opportunity to vote "yes" or "no" on this type of amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Really, if we want to run a passenger railroad in this country and we want it to be affordable and accessible, we really have to make these reforms. I appreciate the gentleman's concern about award of economic damages for those that are harmed, but you have to create a balance. That is what this legislation does, is try to get us to a position where we can have an affordable railroad.

If you will look at the two areas of concern, some labor reform, we have labor laws that go back to dozens and dozens of years ago that need adjustment, and we also have liability reform, which increased the costs and inability to run a railroad.

□ 1230

I asked the founder of Autotrain, which started out as a private enterprise, what factor contributed to their demise. They were running very well, running a profit privately; and he said, it was the liability question. They suffered several accidents, and liability brought that private enterprise down, and Government has had to take it over.

So if we want to continue employment, if we want to continue opportunity, we have to strike a balance, and liability reform is one of those. This House overwhelmingly passed liability reform, and the chairman of the committee has cited other instances where we, in fact, have liability reform in public transit. So there is a precedent for this.

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from New York.

Ms. MOLINARI. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I would like to respond to the original examples of the gentlewoman from Illinois [Mrs. COLLINS] that she gave regarding near accidents on the New York City subway system.

I would just like to point out that New York State has already and historically established limitations on liability for commuter operations, specifically because of the point that I raised, that in those instances if there was an unlimited cap, it is not the so-called Government who pays, it is the New York City subway rider or the taxpayer who has to pay that liability. So many, many States, including New York State, have actually taken the lead in what we are trying to do for Amtrak right now.

Mr. MICA. Mr. Chairman, reclaiming my time, I would just like to comment in closing that we tried to reach a compromise and a balance here, a balance between the rights of individuals and

the ability of this country and this Government and Amtrak to operate. We have taken over this. We are trying to do our best to get Amtrak back on track, and we think that some of these reforms are both reasonable and needed, and I do oppose the amendment.

Mr. MASCARA. Mr. Chairman, I move to strike the requisite number of words.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentleman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, let me just point out that on November 15, 1995, just a week or so ago, a 65-car CSX freight train loaded with orange juice smashed into a pickup truck just south of Dade City. The collision knocked the pickup truck 20 feet off the crossing and caused the train to derail. The intersection where the accident occurred had no flashing lights or crossing gate, just a crossbuck sign and a large faded stop sign. It also has a history of accidents and close calls.

The driver of the pickup truck is a 34 year-old man, Steve Matala of Dade City, and he is listed in stable condition at St. Joseph's Hospital in Tampa.

On July 12, 1995, a train crashed into a car at a rural Polk County crossing in Florida, killing Marie Meyer, 26, and her oldest son, Neil. Younger siblings, Douglas and Brenda, survived the crash. Now, some witnesses said they did not even see the red warning lights at all. These are people, the younger siblings, who apparently are going to be without their parent.

On January 14 of this year, a van carrying five people was crushed by a freight train at a Riviera Beach crossing, killing four of the passengers. Now, the sad thing is that the van was carrying mourners returning from a funeral, and it is believed that warning devices and gate barriers at the crossing may have failed to operate because of mechanical problems and weather conditions, et cetera.

It just seems to me that with these kinds of things happening that we, in fact, have to take some caps off for economic damages. Mr. Chairman, there is a great loss here. Pain and suffering and economic damages should not have caps on them because they are important, they are important to people who have considerations that they are thinking about.

Mr. Chairman, I include the following data concerning my amendment in the RECORD at this point:

NEW YORK

A New York City subway train slammed into the rear of another train stopped on the Williamsburg Bridge on June 5, 1995, killing one person and injuring more than 50 passengers. An outdated safety system based on 1918 technology was supposed to prevent such rear-end collisions, but the system apparently malfunctioned in this instance. This was the fourth time in less than two years that a subway train rear-ended another train, raising noticeable questions about the system's safeguards. A modern computerized system that automatically slows or stops a

train before a collision is readily available, but the local transit authority chose not to install this improved system in order to save money. This was the city's worst subway accident since five people were killed and 200 injured when a drunken motorman crashed his speeding train into a wall near Union Station in 1991.

On November 2, 1995, a toddler's stroller got stuck in train doors at the Greenwich Village subway station. However, Ismay Pinder was able to snatch Anthony, her 9-month-old child, from the stroller seconds before the train pulled out of the station. Anthony escaped serious injury. It was learned that door-obstruction sensors that could have prevented this mishap were not in place on this train, despite the fact these safety precautions were recommended back in 1988. This latest incident occurred just one week after an October 25 accident in which a tot was pulled from beneath a train car after being knocked off a stroller trapped in the doors of a subway train stopped at the 42d St.-5th Ave. station.

Brown, a 25-year-old student, was attempting to board a subway train when it began to move, causing her to fall between the cars. She was then run over by the train, causing her right foot to be crushed beyond repair and resulting in so much damage to her left leg that it had to be amputated below the knee. Her left foot was successfully implanted into her right leg, but she nonetheless walks with great difficulty. Brown alleged negligence on the part of the transportation authority in allowing the train to begin moving unannounced while she was boarding. A structured settlement with a present cash value of \$1.25 million was reached.

Orlando, a 62-year-old clothing store manager, had his dominant arm traumatically amputated when he fell beneath the wheels of a Long Island Railroad passenger train while trying to board. Eyewitnesses testified that they saw Orlando attempting to catch the train. As he tried to jump through the open doors, the train began to move, knocking him beneath the car. Orlando asserted that the railroad was negligent in that the train should not have left the station with its manually operated doors open, in violation of the company's own rules. In addition, there were not enough crew members to adequately observe each other's hand signals indicating whether all the doors were closed when the train was ready to depart. A settlement was reached for \$750,000.

FLORIDA

On November 15, 1995, a 65-car CSX freight train loaded with orange juice smashed into a pickup truck just south of Dade City. The collision knocked the pickup 20 feet off the crossing and caused the train to derail. The intersection where the accident occurred has no flashing lights or crossing gate, just a crossbuck sign and a large faded stop sign. It also has a history of accidents and close calls. The driver of the pickup, 34-year-old Steve Matala of Dade City, is listed in stable condition at St. Joseph's Hospital in Tampa.

On July 12, 1995, a train crashed into a car at a rural Polk County crossing, killing Marie Meyer, 26, and her oldest son, Neil. Younger siblings Douglas and Brenda survived the crash. Some witnesses to the accident stated that they did not see the red warning light flashing at the railroad crossing on the CSX-owned tracks.

On January 14, 1995, a van carrying five people was crushed by a freight train at a Riviera Beach crossing, killing four of the passengers. The van was carrying mourners returning from a funeral. It is believed that warning devices and gate barriers at the crossing may have failed to operate because

of mechanical problems or weather conditions. Several witnesses stated that one or both of the barrier arm gates at the crossing were broken off or locked in an upright position because of high winds.

Gresham, 59, was traveling on an Amtrak passenger train when it derailed on a poorly maintained track. He suffered massive head trauma and died of his injuries 28 days later, leaving behind seven adult children. Amtrak stipulated that it would not contest liability in exchange for a waiver of punitive damages. The jury awarded about \$2.8 million (contact Joseph Slama in Fort Lauderdale for more info/clippings)

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I am sure the gentlewoman from Illinois [Mrs. COLLINS], my good friend, would not want to misstate the facts. There is no limit on economic damages, a very important point.

Second, all of the examples that the gentlewoman gave are very interesting and very sad, but they have nothing to do with this bill, because they all relate to freight, and they would not be addressed in any fashion by this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I misspoke. I said noneconomic damages. Children, of course, would not have economic damages. They, of course, would have noneconomic damages, and that is what the cap is on, not economic damages.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and colleagues, this amendment I think probably has a good intent behind it, but, first of all, it is unnecessary; and, second of all, it is actually a dangerous amendment. Let me explain why that is. It is unintendedly so.

Presently, Mr. Chairman, Amtrak must run on private railroad, freight railroad tracks, and when it does so the freight railroads really have no say. We, as the U.S. Government, say to the freight railroads, you will allow our passenger trains to run on your tracks, and we actually command them to do so. They have no choice.

What we are simply saying in this amendment is when we run a passenger train on a freight line and there is an accident, we say we will limit your liability, and we do not limit the economic liability. Medical bills, lost wages, hospital bills, if someone receives a disability of 10 percent, 15 percent, they are paid for any disability. Any permanent injury, they are compensated for.

The one thing that we simply say is we will only pay \$250,000 for pain and suffering, and that is money that the railroads, which do not want us on

their tracks to begin with, and which we say we are going to run on your tracks, even if you say you do not want us there.

For us to turn around and say, we are going to run on your tracks, and when there is an accident, people can sue you, and they can get \$10 million or \$20 million is wrong. It goes beyond being wrong, and it becomes dangerous, and let me tell my colleagues why it becomes dangerous.

Because of Amtrak and because of the Federal Government, we are spending literally millions of dollars every year eliminating dangerous grade crossings. That is what is killing people in this country is grade crossings. They are crossing these tracks, and they are getting killed.

Presently, because of this legislation and because we have an Amtrak, we are eliminating every year over 100 grade crossings, and we are saving lives. But if we attach this amendment to this bill, we will kill Amtrak. We will increase the cost. In fact, two years from now we will appropriate \$403 million for Amtrak.

We have actually had court settlements in these accident cases of over \$100 million. So we are talking about potentially one accident costing Congress and the United States, because we indemnify all of these. If there is an accident and we pay out all of this money, then we, the taxpayers, turn around and, out of Amtrak, we have to pay that money.

Mr. Chairman, can my colleagues imagine us giving \$400 million to Amtrak to operate these trains and then them having to pay \$100 million of that for one accident? This will bankrupt Amtrak, and it will also end this elimination of these dangerous grade crossings.

Other countries do not have this problem for two reasons. One is the government owns the tracks, and the people of those countries have chosen to use taxpayer money to eliminate the grade crossings. Now we have done that between Washington and New York. That is the long-term solution. That is the solution that we ought to both join in.

We are both interested in one thing. We do not want people hurt; we do not want people injured. The long-term solution is for this government to eliminate more grade crossings and to put more money into that.

Between Washington and New York, there is not a single grade crossing, so there will not be any grade-crossing accidents. Between New York and Boston, there are 13 grade crossings. Between Birmingham and Atlanta, Birmingham being in my district, there are 400 grade crossings. The answer is not this amendment; the answer is cleaning up some of those grade crossings.

Mr. Chairman, I want to make one final point. The gentleman from Pennsylvania [Mr. SHUSTER] I think said it all when he said, we are not making

these grade crossings any safer with this legislation, because most of the trains over those tracks are freight trains, and this amendment and this bill has no application to those.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired.

(On request of Mr. SHUSTER, and by unanimous consent, Mr. BACHUS was allowed to proceed for 2 additional minutes.)

Mr. BACHUS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I would point out that in the committee the bill originally had a ban on punitive damages, zero, and we thought we had negotiated a compromise here, so we agreed to drop that ban and put in its place \$250,000. So I am a bit disappointed that in thinking we were coming to the floor today with a compromise, and had we known there was not going to be an agreement with what we thought was an agreement, then we would not have put this in, and of course, that matter perhaps can be corrected in conference.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, let me just say to the gentleman from Pennsylvania [Mr. SHUSTER] that probably I am the culprit here. The gentleman did have, as I understand it from the gentleman from Illinois [Mr. LIPINSKI], a deal in committee; but as Mr. LIPINSKI also said, there are others of us who are not on the committee who have amendments; and at the last minute I, quite frankly, decided that this was something that I personally wanted to do, to bring this amendment to the floor of the House of Representatives which each of us has the right to do. So do not blame anybody on the committee for what I have done, please, because that is not the case.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I want to say this. The amendment of the gentlewoman I think was meant to apply to freight railroads, but this bill and this limitation only applies to passenger trains, and I think there is a lot of confusion there.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I want to emphasize that I totally respect the gentlewoman's right to offer any amendment she wants. I was not referring to any Member's right. I was referring to the committee members on both sides of the aisle, who I thought would come to the floor united in support of the bill and in opposition to these kinds of amendments.

Mr. BACHUS. Mr. Chairman, reclaiming my time, I would say to the gentleman from Pennsylvania that when the amendment came up, I was

one of the ones that said, we do need to raise the limitations.

PARLIAMENTARY INQUIRY

Mrs. COLLINS of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. COLLINS of Illinois. Mr. Chairman, when I offered the amendment, I reserved the balance of my time, and I would like to ask now how much time did I reserve?

The CHAIRMAN. The gentlewoman cannot reserve time under the 5-minute rule.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the gentlewoman be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman from Pennsylvania for his kindness.

Mr. Chairman, let me say that I wanted to point out that my amendment applies to the Amtrak bill that we are working on now, not to the freight legislation whatsoever.

□ 1245

I wanted to say two more things. First of all, I feel that this Congress is not the judge and the jury. That is why we have tort laws in our courts, so that people, the jurors and the judges, can make some decisions about these kinds of matters. I do not think that 535 Members of Congress can do this on an individual basis, nor should we. That is why we have those laws in place that have worked ever since we have had tort legislation. Now we have the responsibility to change it, but I think we ought to change it with a great deal of thought in mind before we do so.

Let me say one other thing. The statements have been made that my amendment will bankrupt Amtrak. My amendment is not going to bankrupt Amtrak. The bills that we pass that underfund Amtrak might bankrupt Amtrak, but not this amendment. This amendment is not going to bankrupt Amtrak at all.

Finally, let me say this. This is a good amendment. Believe me, it should be passed. If we have feelings for Americans who are suffering because of accidents that they have incurred while on Amtrak, I think that they should have the benefit of the doubt. They should have the benefit of a fair judicial system to award them the kind of damages that they deserve.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I am somewhat confused. You have used the analogy of a CSX freight train hitting a pickup truck.

Mrs. COLLINS of Illinois. Reclaiming my time, I have a better one than that. The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has expired.

(By unanimous consent, Mrs. COLLINS of Illinois was allowed to proceed for 2 additional minutes.)

Mrs. COLLINS of Illinois. Mr. Chairman, on September 22, 1993, Amtrak's Los Angeles to Miami Sunset Limited jumped the CSX-owned track it was traveling on while crossing a bridge in Mobile and plowed into a bayou, submerging a number of passenger cars. Forty people died in this catastrophe, and approximately 150 were injured. This accident was the worst in the history of Amtrak.

Mr. BACHUS. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, that accident occurred in my home State. It was a passenger train. This legislation would apply to that, but I would point out to the gentlewoman that it would reimburse each of those passengers not only for the loss of their lives but for any permanent injuries, for any medical expenses, for any lost wages, and in addition to that punitive damages and noneconomic damages with a cap, under this legislation.

I would further say that that train was running by command of Congress over that freight line.

Mrs. COLLINS of Illinois. Mr. Chairman, reclaiming my time, I also reaffirm my comments that this is a good amendment and it should be supported.

Mr. BACHUS. I would ask for one last point of clarification.

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. COLLINS] has again expired.

Mr. BACHUS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 1 additional minute.

There was no objection.

Mr. BACHUS. Mr. Chairman, I would urge all Members to realize that this legislation that we are voting on applies only to passenger trains. Yet this amendment that is being offered puts liability on not only passenger trains but also the freight companies. It is a wide-reaching amendment and it applies to the freight company. If the gentlewoman wants to stand up and say that this does not impose liability on the freight line, she needs to do so at this time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 239, not voting 29, as follows:

Andrews	Gordon	Oberstar
Baessler	Green	Obey
Barrett (WI)	Gutierrez	Olver
Becerra	Hall (OH)	Ortiz
Beilenson	Hamilton	Owens
Bentsen	Hastings (FL)	Pallone
Berman	Hefner	Pastor
Bishop	Hilliard	Payne (NJ)
Bonior	Hoyer	Pelosi
Brown (CA)	Istook	Peterson (MN)
Brown (FL)	Jackson-Lee	Pomeroy
Brown (OH)	Jacobs	Poshard
Bryant (TX)	Jefferson	Rahall
Clay	Johnson (SD)	Rangel
Clayton	Johnson, E. B.	Reed
Clyburn	Kanjorski	Richardson
Coleman	Kaptur	Rivers
Collins (IL)	Kennedy (MA)	Roybal-Allard
Collins (MI)	Kennedy (RI)	Rush
Conyers	Kildee	Sabo
Coyne	Klecza	Sanders
de la Garza	Klink	Sawyer
DeFazio	LaFalce	Schiff
DeLauro	Lantos	Schroeder
Dellums	Lazio	Schumer
Deutscher	Levin	Scott
Diaz-Balart	Lewis (GA)	Serrano
Dicks	Lincoln	Skaggs
Dingell	Lipinski	Skelton
Dixon	LoBiondo	Slaughter
Doggett	Lofgren	Spratt
Doyle	Lowey	Stark
Durbin	Luther	Stokes
Edwards	Martinez	Studds
Ehrlich	Martini	Tejeda
Engel	Mascara	Thompson
English	Matsui	Thornton
Eshoo	McCarthy	Thurman
Evans	McDade	Torres
Farr	McDermott	Towns
Fattah	McHale	Velazquez
Fazio	McKinney	Vento
Filner	Meehan	Visclosky
Flanagan	Meek	Ward
Foglietta	Menendez	Waters
Ford	Mfume	Watt (NC)
Fox	Miller (CA)	Waxman
Frost	Minge	Williams
Furse	Mink	Wilson
Gejdenson	Moakley	Wise
Gephardt	Mollohan	Woolsey
Gibbons	Murtha	Wyden
Gillmor	Nadler	Wynn
Gilman	Neal	Yates
Gonzalez	Nethercutt	

NOES—239

Allard	Cardin	Flake
Archer	Castle	Foley
Armey	Chabot	Forbes
Bachus	Chambliss	Fowler
Baker (CA)	Chenoweth	Frank (MA)
Baker (LA)	Christensen	Franks (CT)
Baldacci	Chrysler	Franks (NJ)
Ballenger	Clement	Frelinghuysen
Barcia	Clinger	Frisa
Barr	Coble	Funderburk
Barrett (NE)	Coburn	Galleghy
Bartlett	Collins (GA)	Ganske
Barton	Combest	Gekas
Bass	Condit	Geren
Bateman	Cooley	Gilchrest
Bereuter	Cox	Goodlatte
Bevill	Cramer	Goodling
Bilbray	Crapo	Goss
Bilirakis	Creameans	Graham
Bliley	Cubin	Greenwood
Blute	Cunningham	Gunderson
Boehlert	Danner	Gutknecht
Boehner	Davis	Hall (TX)
Bonilla	Deal	Hancock
Bono	DeLay	Hansen
Boucher	Dickey	Harman
Brewster	Dooley	Hastings (WA)
Browder	Doolittle	Hayes
Brownback	Dornan	Hayworth
Bryant (TN)	Dreier	Hefley
Bunn	Duncan	Heineman
Bunning	Dunn	Hilleary
Burr	Ehlers	Hobson
Burton	Emerson	Hoekstra
Buyer	Ensign	Hoke
Callahan	Everett	Holden
Calvert	Fawell	Horn
Camp	Fields (LA)	Houghton
Canady	Fields (TX)	Hunter

Hutchinson	Myrick	Shays
Hyde	Neumann	Shuster
Inglis	Ney	Sisisky
Johnson (CT)	Norwood	Skeen
Johnson, Sam	Nussle	Smith (MI)
Jones	Orton	Smith (NJ)
Kasich	Oxley	Smith (TX)
Kelly	Packard	Smith (WA)
Kim	Parker	Solomon
Kingston	Paxon	Souder
Klug	Payne (VA)	Spence
Knollenberg	Peterson (FL)	Stearns
Kolbe	Petri	Stenholm
LaHood	Pickett	Stockman
Largent	Pombo	Stump
Latham	Porter	Talent
LaTourette	Portman	Tanner
Leach	Pryce	Tate
Lewis (CA)	Quillen	Taylor (MS)
Lewis (KY)	Quinn	Taylor (NC)
Lightfoot	Radanovich	Thomas
Linder	Ramstad	Thornberry
Livingston	Regula	Tiahrt
Longley	Riggs	Traficant
Lucas	Roberts	Upton
Manzullo	Roemer	Vucanovich
McCollum	Rogers	Walker
McCrery	Rohrabacher	Wamp
McHugh	Ros-Lehtinen	Watts (OK)
McInnis	Roth	Weldon (FL)
McIntosh	Roukema	Weldon (PA)
McKeon	Royce	Weller
Metcalf	Salmon	White
Meyers	Sanford	Whitfield
Mica	Saxton	Wicker
Miller (FL)	Scarborough	Wolf
Molinari	Schaefer	Young (AK)
Montgomery	Seastrand	Young (FL)
Moorhead	Sensenbrenner	Zeliff
Morella	Shadegg	Zimmer
Myers	Shaw	

NOT VOTING—29

Abercrombie	Hostettler	Rose
Ackerman	Johnston	Stupak
Borski	Kennelly	Tauzin
Chapman	King	Torkildsen
Costello	Laughlin	Torricelli
Crane	Maloney	Tucker
Ewing	Manton	Volkmer
Hastert	Markey	Waldholtz
Herger	McNulty	Walsh
Hinchey	Moran	

□ 1308

The Clerk announced the following pair:

On this vote:

Mr. Costello for, with Mr. Hastert against.

Messrs. FARR, RAHALL, GILLMOR, SKAGGS, DINGELL, and Ms. JACKSON-LEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Page 11, after line 11, insert the following new section:

SEC. 209. TRACKAGE RIGHTS FOR FREIGHT TRANSPORTATION.

Section 24904 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "rail freight or" in paragraph (6);

(B) by striking "and" at the end of paragraph (7);

(C) by striking the period at the end of paragraph (8) and inserting in lieu thereof "and"; and

(D) by adding at the end the following new paragraph:

"(9) consistent with safety and with priority for intercity and commuter rail pas-

senger transportation, make agreements for rail freight transportation over rights-of-way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), notwithstanding and provision of law or contractual provision restricting the ability of Amtrak to enter into such an agreement."'; and

(2) in subsection (c) (1) and (3), by inserting "or (9)" after "subsection (a) (6)".

Mr. NADLER. Mr. Chairman, this amendment is vitally important to the States of New York, Connecticut, and Rhode Island, and affects virtually no one else in the country one way or the other. This amendment seeks to bring competitiveness and viability to the rail freight industry in the northeast corridor, especially north and east of New York City.

Amtrak owns the northeast corridor tracks. Conrail, by reason of a 1976 contract signed at a time when both Conrail and Amtrak were totally owned entities of the Federal Government, in other words, this contract was signed between one Assistant Secretary of Transportation and another one down the hall; by reason of this contract, Conrail has had an exclusive easement in perpetuity, forever, for freight usage of the northeast corridor tracks.

The major problem that this causes is that Conrail, with minor exceptions, does not utilize this privilege north of New York City and prevents anyone else from using the northeast corridor for freight, leaving an entire region effectively barred from rail freight service.

□ 1315

Taking advantage of its exclusive easement agreement, Conrail, with minor exceptions, does not allow any other rail freight carrier to use these tracks for freight. This monopoly privilege was purchased from the American taxpayer for the whopping price of \$1. While the rest of the country enjoys competition in transportation, this produces the fact that 38 percent of all freight in the country is carried by rail. But in the region of New York City, Westchester and Putnam Counties, Long Island, Rhode Island and Connecticut, rail freight accounts for only 2.4 percent of traffic. In that geographic area, only 2.4 percent of freight travels by rail, compared to 40 percent in the country as a whole. This is caused to a large extent by the monopoly Conrail has and its refusal to service freight east of the Hudson River south of Boston.

The lack of rail freight service to these areas compels us to bring our freight by truck to and from Conrail terminals in northern New Jersey. This classic monopoly conduct, in which they say "bring your business to us, we will not go to your shippers and manufacturers and ports and companies," this classic monopoly conduct greatly increases shipping costs, congestion, wear and tear on our roads, and pollution in the entire region, and increases the cost of doing business.

The majority in this Congress has been seeking the free market. Should we not allow private competition to give consumers a choice, to give them lower prices, and a better standard of living. This is our chance to bring competition in transportation services to the region east of the Hudson River.

This amendment quite simply opens up the possibility of competition for rail freight service to the northeast. It accomplishes this by saying "Amtrak may, not shall, may, consistent with safety and with priority for intercity and commuter rail passenger transportation, make agreements for rail freight transportation over rights-of-way and facilities, et cetera."

By allowing competition into the Northeast corridor, the area's economy, as well as the bottom lines of Amtrak and other rail freight carriers, which could be Conrail, if they so choose, could benefit enormously.

Mr. Chairman, this amendment mandates nothing. It simply opens up what is currently a monopoly area to open and fair competition. This unreasonable monopoly power is the result of another government give away to big business courtesy of the U.S. taxpayer. In the spirit of the free market, I urge my colleagues to vote against this amendment.

Mr. Chairman, there are several arguments against this amendment which are bogus. Let me summarize them very quickly.

First, this is a hazard to safety in the Northeast corridor, to the safety of commuter or passenger transportation. Nonsense, for two reasons: First, 50 years ago, in the 1940's, the Pennsylvania Railroad carried three times as much passenger transportation on the corridor as at present, the same number roughly of commuter transportation, and huge freight traffic, with no problems. Today we have sunk over \$1 billion, I believe, of Federal money into improving the corridor. It is in much better shape. We can handle the traffic. We do not have that traffic on the corridor now. So there are no safety problems.

Second, Amtrak, which runs the passenger operations, by the terms of this amendment, Amtrak controls the track, we give them permission to allow freight transportation in the corridor. We do not tell them they must. They are in charge of the passenger transportation. They will not make any deals that would hazard the safety of the passengers that they run.

The other major argument that is made is we should not break a contract. Conrail and Amtrak made a contract giving Conrail an exclusive monopoly on freight usage of the northeast corridor forever, and we should not break it.

There are three answers to that. First, in the interests of the public in three great States, we should. The public in three States suffers from this monopoly. Second, this bill breaks other contracts, labor contracts. Why should this contract be sacred?

Third, more important than those two arguments, this is not a real contract. Conrail is now a private company, like any other private company. Amtrak, according to this bill, in a couple years will be a private company. When this contract was signed, both of them were wholly-owned subsidiaries of the Federal Government. So the so-called contract was an agreement between one finger of the Federal hand and the other finger of the Federal hand, an agreement between the Federal Government and itself. Why should it now bind two private companies?

In summation, Mr. Chairman, this amendment is important to the economy of the Northeast, of the State of Connecticut, New York and Rhode Island, and hurts nobody, and I urge my colleagues to support it.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment for several reasons. Before I get into those reasons, I am sure the gentleman did not want to misstate something when he said that this bill we bring before the House today in other places breaks labor contracts. That is not true. One of the most significant aspects of this legislation is that we do not break existing labor contracts. That is why we have such a longer period of time in which there can be negotiations, and that is why labor felt so strongly that they did not want the labor contracts broken. We agreed with that. So this bill does not break labor contracts.

But more to the point of the amendment before us, this is a contractual agreement between two corporations, Conrail and Amtrak, both held at the time by the Federal Government, but, nevertheless, two corporate entities, a contractual agreement which would be broken by this amendment.

It is very important to emphasize that Conrail owned this track. Conrail had exclusive rights in perpetuity over this track. And it was only because the Federal Government said "You have got to give the ownership over to Amtrak" that Conrail did so. As part of this agreement, the agreement was that Conrail would continue to have exclusive freight rights over that trackage, rights which they always had had because it was indeed Conrail's track.

Now, the Nadler amendment could also reverse efforts to minimize freight traffic on the Northeast corridor. Currently there are over 1,000 commuter trains per day on the corridor. Listen to what the distinguished former president of Amtrak had to say about this, Graham Clayton, the former president of Amtrak:

"If we are to effectively prevent passenger train accidents caused by freight traffic on the line between New York and Washington, we must eliminate the intermixture on the same right-of-way of heavy freight trains and high speed passenger commuter operations. It is not only feasible, but necessary if we are really to solve all aspects of the problem permanently and definitely."

We had a debate on the last amendment that dealt with the problems of safety. Here we have the former highly respected president of Amtrak saying that having any freight on that corridor is a safety problem.

So the gentleman's amendment now would open it up to more freight. We want to minimize that, because we want to continue to focus on increasing the safety in the Northeast corridor.

So for all of those reasons, it is important that we defeat this amendment, because if we do not defeat this amendment, we will be making it possible to load up more freight on an already jammed up corridor. We will be creating safety problems, and we will be abrogating contracts that Conrail entered into.

Mr. Chairman, for all of those reasons I strongly urge defeat of this amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. NADLER]. The gentleman is without a doubt one of the most involved, knowledgeable, dedicated members of the Subcommittee on Railroads. The gentleman has identified a regional problem affecting freight rail service in the New York metropolitan area.

Today there is only one railroad that provides freight service on Amtrak's Northeast corridor. It seems logical that an area of such economic importance as the Northeast corridor would have service from more than one single railroad. But the exclusive use agreement that was granted to Conrail gives it no competition on Amtrak's Northeast corridor.

The Nadler amendment would allow other railroads the use of the Northeast corridor. Competition certainly makes sense to me, and I urge support of this amendment.

Mr. Chairman, I would also like to say that I concur with the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee, that there are no labor contracts being broken in this bill. I am quite sure that the gentleman from New York [Mr. NADLER], because of his anxiety of presenting this amendment, misspoke, and I am sure if he has another opportunity the gentleman will correct the RECORD in regard to that.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from New York [Mr. NADLER] for offering this amendment today. I believe it raises a very important issue about access onto Amtrak rail right-of-way. The issue is should Amtrak track be made available to others? In this case, freight railroads want access on Amtrak's track to ship their goods. Certainly one would think it is in the public interest to allow such access.

Alternatively, should privately owned track be made available for passenger service if it is in the public interest and, if so, should we require freight railroads to provide the access?

I do not have the answers today, but as the class I railroads merge and we are left with just a few companies controlling 75 percent of the track in this country, maybe it will be necessary for Congress to take a closer look at what is happening in the industry. As we consider the committee's hearing schedule next year, I would ask the gentlewoman from New York [Ms. MOLINARI] to consider taking a closer look into the issue of access. I know that there are other Members who share my concerns.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Tennessee for his support of this amendment. I would just like to say in conclusion we are in the day of trying to privatize. We are in the day of advocating free enterprise. Competition in this amendment will create competition for probably the largest economic area in the entire United States of America.

So I urge all Members to support the Nadler amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New York brings to us an amendment that just makes a lot of practical sense. It is an amendment that addresses an issue regional in nature. It does not apply to the rest of the United States, but it is of intense local interest and importance.

Conrail has an agreement with Amtrak under which Conrail has exclusive right to provide freight service on Amtrak's tracks in the Northeast corridor. Conrail is not using that authority to provide freight service to New York and parts of Connecticut and southern New England. The amendment of the gentleman from New York would permit, it would not require, Amtrak to grant rates to other freight carriers when consistent with safety and when consistent with the needs of passenger service.

Conrail has written in opposition to the gentleman's amendment, making the thrust of its argument a safety concern. But the gentleman's amendment says very clearly that Amtrak may grant rights to other freight carriers when such grant of authority is consistent with safety and when it is consistent with the needs of Amtrak's own requirement to provide passenger service.

This is not a mandate, this is not a requirement. It is permissive authority. Why Conrail would be opposed to that is beyond me.

The main argument the gentleman from New York makes is that improved service to New York City and Connecticut will result if Amtrak has authority to grant rights to other freight railroads to use that corridor. Now, the

Federal Government has invested already substantial sums of money in improving the Northeast corridor where portions of that corridor are going unused because of monopoly rights held by Conrail. The gentleman would not, I know, have offered this amendment if it would abrogate an agreement between private parties.

□ 1330

As he has already pointed out, this really is an agreement between two arms of the Federal Government. In fact, two branches within the same department of the Federal Government. It makes sense. It is permissive authority. It will offer an opportunity for improved service and use of now unused track authority.

Mr. Chairman, I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the distinguished gentleman. I would simply like to add a comment in response to the comment of the distinguished chairman from Pennsylvania where he read from Mr. Claytor's—Amtrak's then President Claytor—testimony at a hearing that we must eliminate the intermixture on the same right-of-way of heavy freight trains and high speed passenger and computer operations.

As a general rule, Mr. Chairman, that is true, but there are things such as road-railer freight operations. I will not go into what that is, but it is not heavy freight but it is freight. It is these truck trailers with retractable rail wheels, which we could use on the corridor, which can go 75 or 80 miles an hour and which have a low center of gravity and which present no safety concerns and no problems mixing with passenger transportation at all. In addition to which they do not have to be on the same track. Even slow freight trains, as long as they are on a different track, we have no problem, even if it is the same right-of-way.

Having said that, Mr. Chairman, the key to this amendment is that Amtrak, which owns the track, would have the ability to make those decisions, subject to whatever safety regulations the Federal Rail Administration, et cetera, sets up. We are not mandating them. We are saying Amtrak may do this. We are simply asking that three States, New York, Connecticut, and Rhode Island, be given the opportunity to talk to Amtrak, to talk to freight railroads, and maybe we will get some rail freight service for that entire region of 15 or so million people that has no rail freight service and needs it for economic benefits.

Mr. Chairman, I urge my colleagues to vote for this amendment so that we can have the freedom to talk to Amtrak.

Mr. OBERSTAR. Mr. Chairman, again I urge support of the gentleman's amendment.

Mr. MARTINI. Mr. Chairman, I rise in opposition to the Nadler amendment.

This is a safety issue, my colleagues.

If passed, increased freight traffic on the Northeast corridor will result in a much more dangerous arrangement on an already crowded stretch of track, and will place the lives of thousands of commuters and rail workers in jeopardy every day.

The corridor already handles about 1,100 trains each day, almost 90 percent of which are commuter trains.

The heavy volume of traffic makes safety the top priority and ever since the tragic accident between a freight train and a commuter train in Chase, MD, that killed 16 people, the freight companies that operate on the line have been very careful to operate as often as possible during off hours when commuter trains are not running.

Thankful there has not been a repeat of the Chase incident.

But opening up the track to greater amounts of freight traffic would only make it more difficult to keep the freight and commuter traffic apart, and would invite disaster again.

You will see more and more trains line up on the same crowded track, and another Chase accident will become increasingly likely.

This is not a wise amendment, and I urge my colleagues to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 249, not voting 22, as follows:

[Roll No. 831]

AYES—161

Abercrombie	Fields (LA)	Luther
Andrews	Filner	Martinez
Baessler	Flake	McCarthy
Baldacci	Forbes	McDermott
Barcia	Ford	McKinney
Becerra	Frank (MA)	Meehan
Beilenson	Franks (CT)	Meek
Bentsen	Frisa	Meyers
Berman	Frost	Mfume
Bevill	Furse	Miller (CA)
Bonior	Gephardt	Minge
Browder	Geren	Mink
Brown (CA)	Gibbons	Moakley
Brown (FL)	Gonzalez	Mollohan
Bryant (TX)	Graham	Montgomery
Chrysler	Green	Myrick
Clay	Gutierrez	Nadler
Clayton	Hamilton	Neal
Clement	Harman	Oberstar
Coleman	Hastings (FL)	Obey
Collins (IL)	Hefner	Olver
Collins (MI)	Heineman	Owens
Condit	Hilliard	Parker
Conyers	Hoyer	Pastor
Cramer	Jackson-Lee	Payne (VA)
Danner	Johnson (CT)	Pelosi
de la Garza	Johnson (SD)	Peterson (MN)
DeFazio	Johnston	Pickett
DeLauro	Kanjorski	Pomeroy
Dellums	Kaptur	Poshard
Dingell	Kasich	Rahall
Dixon	Kennedy (MA)	Rangel
Doggett	Kildee	Richardson
Dooley	Kolbe	Rivers
Durbin	LaFalce	Roemer
Edwards	Lantos	Rohrabacher
Engel	Lazio	Rose
Eshoo	Levin	Roybal-Allard
Evans	Lewis (GA)	Rush
Everett	Lincoln	Sabo
Farr	Lipinski	Sanders
Fawell	Lofgren	Sawyer
Fazio	Lowey	Scarborough

Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Spratt
Stark
Stokes

Studds
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Visclosky

Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Yates

NOES—249

Allard	Frelinghuysen	Myers
Archer	Funderburk	Nethercutt
Armey	Gallegly	Neumann
Bachus	Ganske	Ney
Baker (CA)	Gejdenson	Norwood
Baker (LA)	Gekas	Nussle
Ballenger	Gilchrest	Ortiz
Barr	Gillmor	Orton
Barrett (NE)	Gilman	Oxley
Barrett (WI)	Goodlatte	Packard
Bartlett	Goodling	Pallone
Barton	Gordon	Paxon
Bass	Goss	Payne (NJ)
Bateman	Greenwood	Peterson (FL)
Bereuter	Gunderson	Petri
Billbray	Gutknecht	Pombo
Bilirakis	Hall (OH)	Porter
Bishop	Hall (TX)	Portman
Bliley	Hancock	Pryce
Blute	Hansen	Quillen
Boehlert	Hastings (WA)	Quinn
Boehner	Hayes	Radanovich
Bonilla	Hayworth	Ramstad
Bono	Hefley	Reed
Boucher	Herger	Regula
Brewster	Hilleary	Riggs
Brown (OH)	Hobson	Roberts
Brownback	Hoekstra	Rogers
Bryant (TN)	Hoke	Ros-Lehtinen
Bunn	Holden	Roth
Bunning	Horn	Roukema
Burr	Houghton	Royce
Burton	Hunter	Salmon
Buyer	Hutchinson	Sanford
Callahan	Hyde	Saxton
Calvert	Inglis	Schaefer
Camp	Istook	Schiff
Canady	Jacobs	Seastrand
Cardin	Jefferson	Sensenbrenner
Castle	Johnson, E. B.	Shadegg
Chabot	Johnson, Sam	Shaw
Chambliss	Jones	Shuster
Chenoweth	Kelly	Skeen
Christensen	Kennedy (RI)	Slaughter
Clinger	Kim	Smith (MI)
Clyburn	Kingston	Smith (NJ)
Coble	Klecicka	Smith (TX)
Coburn	Klink	Smith (WA)
Collins (GA)	Klug	Solomon
Combest	Knollenberg	Souder
Cooley	LaHood	Spence
Cox	Largent	Stearns
Coyne	Latham	Stenholm
Crane	LaTourette	Stockman
Crapo	Leach	Stump
Creameans	Lewis (CA)	Talent
Cubin	Lewis (KY)	Tate
Cunningham	Lightfoot	Tauzin
Davis	Linder	Taylor (NC)
Deal	Livingston	Tejeda
DeLay	LoBiondo	Thomas
Deutsch	Longley	Thornberry
Diaz-Balart	Lucas	Tiahrt
Dickey	Manzullo	Torricelli
Doolittle	Martini	Trafficant
Dornan	Mascara	Upton
Doyle	Matsui	Vucanovich
Dreier	McCollum	Waldholtz
Duncan	McCrery	Walker
Dunn	McDade	Wamp
Ehlers	McHale	Watts (OK)
Ehrlich	McHugh	Weldon (FL)
Emerson	McInnis	Weldon (PA)
English	McIntosh	Weller
Ensign	McKeon	White
Fattah	Menendez	Whitfield
Fields (TX)	Metcalf	Wicker
Flanagan	Mica	Wolf
Foglietta	Miller (FL)	Wynn
Foley	Molinari	Young (AK)
Fowler	Moorhead	Young (FL)
Fox	Morella	Zeliff
Franks (NJ)	Murtha	Zimmer

NOT VOTING—22

Ackerman	Hostettler	Moran
Borski	Kennelly	Stupak
Chapman	King	Torkildsen
Costello	Laughlin	Tucker
Dicks	Maloney	Walsh
Ewing	Manton	Wilson
Hastert	Markey	
Hinchey	McNulty	

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Ewing against.

Mr. Markey for, with Mr. Hastert against.

Messrs. NUSSLE, REED, WYNN, and COOLEY changed their vote from "aye" to "no."

Mr. KASICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time for the purpose of doing a colloquy with the distinguished chairman of the committee over a situation that I know has arisen in a community in my district, and I think affects some other communities as well.

In this particular case there is a bridge in the borough of Parksburg, PA, that the Pennsylvania Public Utility Commission regards as being in such a state of disrepair that they have ordered the town to demolish the bridge. Parksburg is probably going to have to bear the expense and cost of the demolition of the bridge, but the problem is that because it crosses Amtrak tracks, Amtrak is coming in and saying that you have to pay them for review of the plans for demolition, for flagmen, and all kinds of costs.

It is my understanding that in the bill as presently drafted, there are provisions that would say that instead of Amtrak having to use its own personnel for activities, that in fact these things can be contracted out. In the case of Parksburg, this could mean some of the savings. We are talking about the difference between \$250,000 and \$1 million to demolish the bridge.

Mr. Speaker, I would ask the gentleman if he could confirm for me that in fact one of the beneficial aspects of the contracting-out language may well be that in communities such as this that are facing these kinds of enormous costs connected with the present situation, Amtrak might well find some relief.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say first, the gentleman is correct. Section 101 repeals the current contracting-out prohibition so Amtrak would be able to go out and contract out and presumably get a more competitive price; but beyond that, it is quite possible that in addition to that, the community you referred to, or any

community, would have a cause of action against Amtrak if, indeed, the costs were excessive. If the job could be done for \$250,000 but Amtrak was saying it cost \$1 million, it seems to me that there may be a cause of action that the community might have.

Mr. WALKER. I thank the gentleman very much, because the situation is just one that is almost mind-boggling in its characteristics, because it costs \$250,000 to knock the bridge down, but almost three times that much for Amtrak to review the plan and do the kinds of things Amtrak is involved in.

The contracting-out language may well be a case where it can help this small community and others like it across the country that face similar kinds of situations. I thank the gentleman very much and I appreciate what he has done in his bill.

The CHAIRMAN. Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REED: Page 39, after line 18, insert the following new section:

SEC. 702. ADMINISTRATIVE FUNDS REDUCTION.

Of the funds provided in Public Law 104-50, under the heading "National Railroad Passenger Corporation Operating Losses", \$9,250,000 is rescinded. This reduction shall be allocated entirely against Amtrak's administrative expenses in its headquarters and Northeast Corridor Strategic Business Unit.

Mr. REED (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I raise a point of order against the amendment, in that it violates clause 7 of rule XVI, which rules that the amendment must be related to the pending subject matter, and the amendment is not germane.

Mr. REED. Mr. Speaker, I would like to be heard on this point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island.

□ 1400

Mr. REED. Mr. Chairman, as I stated, my amendment is a straightforward cut of 5 percent in Amtrak's administrative funds. I am concerned that, while this bill asks for many sacrifices on the part of blue-collar Amtrak workers, it may not make the same demands on Amtrak management.

With this need for shared sacrifice in mind, I would urge my colleagues to support the cutting of Amtrak's administrative account by a very small 5 percent, which is approximately \$9 million in fiscal year 1995.

Mr. Chairman, I believe my amendment is fair. It does not ask Amtrak

management to do anything beyond what Amtrak's management has asked of its workers. I urge my colleagues to support it.

The CHAIRMAN. The Chair is prepared to rule. The bill authorizes appropriations for Amtrak and revises the statutory authorities under which it operates. The amendment rescinds appropriations made available for Amtrak in the Transportation Appropriation Act for Fiscal Year 1996. A proposal to rescind funding provided in an appropriation act falls within the jurisdiction of the Committee on Appropriations and, as such, is not germane to this authorization bill.

The Chair sustains this point of order.

Mr. REED. Mr. Chairman, I move to strike the last word.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REED. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I would say that we do recognize the State of Rhode Island's concerns, and we have written the Federal Railroad Administration in an effort to address the concerns of the gentleman, and the issue will be addressed during the subcommittee hearing next year. We do insist on the point of order. I understand what the gentleman is trying to do.

Mr. REED. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF], who has been a strong supporter of my State and has been very helpful, and I know he will take this into consideration and make the right judgment in the months ahead.

Mr. MASCARA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with my distinguished colleague from Illinois, Mr. LIPINSKI, who played a very important role in the drafting of this legislation, along with the gentleman from Pennsylvania, Mr. SHUSTER, the chairman of the committee, and other members of the Committee on Transportation and Infrastructure.

My question is with section 503 of the bill and the changes it would mandate to the Amtrak Board of Directors.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, I will be very happy to discuss this issue with the gentleman.

Mr. MASCARA. Mr. Chairman, I would say to the gentleman, section 503 of the bill would replace the current Amtrak Board of Directors with an entirely new board or with a director general if the new board were not fully constituted within 60 days of the enactment of the legislation.

It is my understanding that the current board has performed quite ably. Based on the experience of the gentleman, Mr. LIPINSKI, on the subcommittee and his work with Amtrak,

could the gentleman comment on the present board's commitment and dedication to Amtrak and a restructuring of its operations?

Mr. LIPINSKI. Mr. Chairman, if the gentleman would yield to me, the present Amtrak board has done an excellent job in providing guidance to the corporation during these difficult financial times.

Last year, Amtrak was faced with a \$200 million shortfall. Rather than come to the Congress for supplemental appropriations, as has been the past practice of the board, this board worked with Amtrak management to undertake the painful cuts necessary to make Amtrak live within its means.

These efforts were successful because Amtrak finished fiscal year 1995 with a \$15 million cash balance. This board has demonstrated its ability to make the tough decisions.

Within the last year, train miles have been reduced 20 percent and employment has been reduced by 8 percent. Clearly, this board is up to the challenge of moving Amtrak off its dependence on Federal operating subsidies.

Mr. MASCARA. Mr. Chairman, reclaiming my time, I agree with the assessment of my colleague of the current accomplishments of the board. I recognize that this is a compromise bill and that we need to move the bill through the House without delay so that we will be able to conference with the Senate when it has finished action on this bill. Nonetheless, I believe the accomplishments of the current board should be recognized and that we should not be removing successful and knowledgeable leadership at the same time we are providing Amtrak with the tools it needs to carry out the restructuring. I would hope that this will be one of the issues that receives careful consideration during the conference.

Mr. LIPINSKI. Mr. Chairman, if the gentleman would continue to yield, I certainly agree with the gentleman that we should carefully evaluate this during our conference with the Senate, and I thank the gentleman for the colloquy.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 38, line 12, strike "\$10,000,000" and insert in lieu thereof "\$2,300,000".

Mr. SHUSTER. Mr. Chairman, this is a typical amendment pertaining to the Penn Station amendment. This is to keep the authorization level from Penn Station redevelopment to a maximum total of \$100 million.

Because the NHS bill included partial funding for the Penn Station redevelopment after we had reported this Amtrak bill, total authorizations for the project would have exceeded \$100 million. That was not our intent, and we are offering this amendment to reduce that total authorization and to correct this situation.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I have a technical inquiry on the chairman's technical amendment. Can the gentleman tell us what the resulting outlays will be with this reduction in budget authority?

Mr. SHUSTER. Mr. Chairman, reclaiming my time, it will be a total of \$7.6 million, if it is appropriated. Of course, there will be nothing if it is not appropriated.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will continue to yield, the reduction in budget authority is \$7.6 million.

Mr. SHUSTER. Mr. Chairman, in response to the gentleman from Minnesota, I would say not budget authority, but authorization.

Mr. OBERSTAR. Mr. Chairman, if the gentleman will yield further, yes, that is budget authority. Appropriations, or actual outlays, could be substantially less than that, or they could be the same amount.

Mr. SHUSTER. Mr. Chairman, it could be zero, depending on what the Committee on Appropriations does.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Pennsylvania. I just wanted to get an understanding of where we are.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

Page 37, line 19, strike "(1)".

Page 37, line 23, through page 38, line 2, redesignate subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

Page 38, line 4, insert closing quotation marks and a period after "of this title."

Page 38, lines 5 through 19, strike paragraph (2).

Mr. HEFLEY. Mr. Chairman, I originally had two amendments, one which would have made sure that we were putting Amtrak on a glidepath to getting rid of the Federal subsidy, and the committee has done that, and I want to commend the gentleman from New York [Ms. MOLINARI] and the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for doing that. So I withdraw that amendment.

Mr. Chairman, I am proud of the Republican majority. We are in the midst of passing legislation which will balance the Federal budget in 7 years. Not since 1969 has that happened. I am proud of the Republican majority, and I am proud of many of my colleagues on the other side of the aisle that think this is important.

It is not easy to balance the budget. We are all finding that we have had to make some tough choices on what this

country's priorities must be. Each and every time we authorize a single dollar, we have had to ask the question, should the Federal Government be involved in this? If the answer to that question is yes, then we ask another question: Can we afford it?

There are many expenditures that the Federal Government never should have made, but there have been a host of other items that we would love to fund if we had the money. But the fact is, we just cannot afford many of them.

That is why I need to be able to go back home, as all of us do, and tell our constituents that we think the priorities set in Congress were priorities we believe in, I need to be able to defend why one program was cut and another authorized.

That is why I have to offer this amendment. I simply cannot go back home and defend authorizing almost \$4 million over 4 years, even with the technical amendment which we just passed here, for a train station in New York that has already received, and I wish my colleagues would listen to this, it has already received \$60 million in taxpayer money, and that many people argue is not even necessary.

I am not going to argue whether the train station should be moved from its current location at the Farley Post Office. Only the local community can answer that. But I must disagree that with these lean budget times we should tell the American people that one of our priorities is a project to move a train station across the street where bigger and better shops can be built to create a Union Station atmosphere in New York City. It will be tough enough to tell them that legislation has already been signed into law this year that provides this project \$26 million.

The National Highway System legislation was able to creatively include funding for this project. In fact, one Member of this Chamber described the efforts of Senator MOYNIHAN as a masterful use of the process in getting that money allocated.

Supporters of the Penn Station project may tell you the current location is rundown and unsafe, but that is why the Transportation appropriation legislation appropriated \$20 million to Amtrak and Penn Station for important life safety improvements. So that makes \$46 million so far this year.

Here we are in lean budget times and one train station gets not only \$20 million to improve its current home but another \$26 million to help build its new home. Except for my colleagues from New York, I am not sure there is anyone in this Chamber that can look their constituents in the eye and tell them this should be a priority project.

Supporters of the project will also tell you that this is a \$315 million project, and only \$100 million is asked for from the Federal Government. Where is the other money coming from? Some \$115 million is coming from private investors that, to the best of my knowledge, have not anted up a

dime; another \$75 million from the State of New York, who has not appropriated a dime; and New York City, whose \$25 million contribution is really only \$8 million so far. How much more will this black hole of taxpayer money receive?

Mr. Chairman, we all need to ask ourselves the question, is the Penn Station project one that the Federal Government should be involved in, and if it is, can we afford to fund it? I am convinced that each and every Member of this body, if they really look at the budget and what we are trying to do, will answer that question by supporting this amendment and supporting fiscal responsibility in these lean times.

Ms. MOLINARI. Mr. Chairman, I rise in strong opposition to the Hefley amendment.

Mr. Chairman, let me just state that this is not a New York-specific project we are talking about. The northeast corridor between Washington, DC, and Boston, which passes through New York City, is Amtrak's most traveled route. Ten million passengers a year, nearly half of Amtrak's annual ridership, travels on this route.

Penn Station serves not only Amtrak passengers but Long Island Railroad, New Jersey Transit and New York City subway passengers as well. Five hundred thousand passengers pass through Penn Station every day. That is more passengers than many of Amtrak's routes support annually.

Penn Station is in a current deplorable state. Conditions are crowded, and traffic will soon exceed the capacities of current facilities. In addition, there have been nine major fires or emergencies since 1987, and the New York City Fire Department has identified many inadequacies in the current safety systems that need to be addressed.

Let me just state for the record, however, we have spent the last few months on appropriations and authorizations bills dealing with the situations that confront States all over this country. This Chamber has nearly unanimously agreed on spending tens of billions of dollars on highway projects throughout this Nation. We have spent hundreds of billions of dollars on airport projects throughout this Nation.

That is OK for many Members in this Chamber, but come to an urban area that does not have the highways and does not have the airports, and then all of a sudden it is no longer a Federal responsibility to deal in transportation, because it is a transportation system that perhaps is not available in other areas of the country. Well, highways are not available in New York City to the extent that they are in many, many urban and rural areas in the country.

So in the spirit of fairness I say, rejuvenating and renovating Penn Station helps tourism in America, it helps Amtrak, it helps local commuters, and it creates a sense of parity between those people who come to this Chamber and

support the appropriations of billions of dollars of highway, bridges, airport improvement funds, so that we can, in some urban areas, receive some Federal assistance when it comes to some mass transportation assistance like Penn Station.

Mr. Chairman, I urge strong opposition for this amendment.

□ 1415

Mr. NADLER. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to this amendment. I am also speaking on behalf of the ranking member of the committee and the subcommittee in opposing this amendment.

Let me just say that the gentleman from New York expressed most of what I was going to say so I am not going to repeat it.

There is no reason to take this money away from this project. It is an important, worthy project. That it is in my district does not detract from that. It is a very important, worthy project for this entire country.

We spend money on airports, on highways, all over the country. This is the premier jewel of the rail system in this country. It ought to be, and we ought to do what we have to do for Penn Station. I urge my colleagues to vote against this amendment.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. An article recently appeared in the National Train Journal which interviewed European tourists who had come to America. The vast majority of them said they wanted to see America by rail, and they were satisfied with Amtrak, and the average tourist, European tourist, spends several thousand dollars here when he comes or when she comes.

What they did criticize Amtrak for were two things. One was on-time performance. The other one was some of the stations. They said the South Bay Station in Boston was a crown jewel. They talked about the station, Union Station. They talked about Philadelphia and Harrisburg, PA, as being outstanding stations.

At the same time they said that some of the stations, and I will not name all of them, they said they were disaster areas. They said they almost turned them off. We are talking about a Pennsylvania station where many of these tourists form their first opinion of our rail transportation and of our country.

If we are going to continue to attract European tourists and Japanese tourists, who feel much the same way, this is money, I think, at least that we ought to consider in making this investment or not making this investment, the fact that that is one major point that they say we do need to improve, and that is our station. This is our most heavily traveled area.

I rise in opposition to the amendment.

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Hefley amendment. I think this is a good amendment, and if not now, when? If not us, who?

As a gentleman from New York, I have to tell you that it is a new time, it is a new place. We are supposed to be ferreting out this kind of excessive spending, spending particularly that is without need.

In New York, we have just seen a state-of-the-art renovation to the train station there, and I would say that the Hefley amendment is well-timed and it is necessary. We do not need this kind of pork. I would move in support of the Hefley amendment and ask my colleagues to embrace it.

Ms. LOWEY. Mr. Chairman, as a great New Yorker, Yogi Berra, once said, "This is like déjà vu all over again."

Time and time again we have debated this issue on the floor. We have gone back and forth and back and around.

Frankly, it's time for these gratuitous attacks on Penn Station to stop.

Seventy-five million passengers pass through Penn Station every year—that's 500,000 passengers a day. Penn Station is Amtrak's busiest station in the country. In fact, it serves more than 40 percent of all of Amtrak's passengers nationwide. It is also the hub for the New York City Transit System, the Long Island Railroad, and New Jersey transit. But Penn Station is falling apart. It's dark, it's dangerous, and within 10 years the station is projected to exceed its maximum pedestrian occupancy level.

In order to address this situation, the Federal Government, the State of New York, and New York City have embarked on a cooperative plan to rebuild Penn Station. This project enjoys bipartisan support, including that of Senators MOYNIHAN and D'AMATO, Gov. George Pataki, and Mayor Guiliani.

And despite all the roadblocks put up in our way we are almost there.

So why has Penn Station generated such fierce opposition?

Opponents of the Penn Station project don't like it because it's in New York. Plain and simple. We have learned time and time again that New York bashing is always in season here in Washington. We know that our friends on the other side of the aisle just can't help themselves—New York is just too inviting a target.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. INGLIS of South Carolina) having assumed the chair, Mr. ALLARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 1788) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, pursuant to House Resolution 284, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 4, not voting 22, as follows:

[Roll No. 832]

YEAS—406

Abercrombie	Bunning	DeLauro
Allard	Burr	DeLay
Andrews	Burton	Dellums
Archer	Buyer	Deutsch
Armye	Callahan	Diaz-Balart
Bachus	Calvert	Dickey
Baesler	Camp	Dicks
Baker (CA)	Canady	Dingell
Baker (LA)	Cardin	Dixon
Baldacci	Castle	Doggett
Ballenger	Chabot	Dooley
Barcia	Chambliss	Doollittle
Barr	Chenoweth	Dornan
Barrett (NE)	Christensen	Doyle
Barrett (WI)	Chryslers	Dreier
Bartlett	Clay	Duncan
Barton	Clayton	Dunn
Bass	Clement	Durbin
Bateman	Clinger	Edwards
Becerra	Clyburn	Ehlers
Bentsen	Coble	Ehrlich
Berman	Coburn	Emerson
Bevill	Coleman	Engel
Bilbray	Collins (GA)	English
Bilirakis	Collins (IL)	Eshoo
Bishop	Collins (MI)	Evans
Bliley	Combest	Everett
Blute	Condit	Farr
Boehlert	Conyers	Fattah
Boehner	Cooley	Fawell
Bonilla	Cox	Fazio
Bonior	Coyne	Fields (LA)
Bono	Cramer	Fields (TX)
Boucher	Crane	Filner
Brewster	Crapo	Flanagan
Browder	Creameans	Foglietta
Brown (CA)	Cubin	Foley
Brown (FL)	Cunningham	Forbes
Brown (OH)	Danner	Ford
Brownback	Davis	Fowler
Bryant (TN)	de la Garza	Fox
Bryant (TX)	Deal	Frank (MA)
Bunn	DeFazio	Franks (CT)

Franks (NJ)	Livingston	Roukema
Frelinghuysen	LoBiondo	Royal-Allard
Frisa	Lofgren	Royce
Frost	Longley	Rush
Funderburk	Lowe	Sabo
Furse	Lucas	Salmon
Gallegly	Luther	Sanders
Ganske	Manzullo	Sanford
Gejdenson	Martinez	Sawyer
Gekas	Martini	Saxton
Gephardt	Mascara	Scarborough
Geren	Matsui	Schaefer
Gibbons	McCarthy	Schiff
Gilchrest	McCollum	Schroeder
Gillmor	McCrery	Schumer
Gilman	McDade	Scott
Gonzalez	McDermott	Seastrand
Goodlatte	McHale	Sensenbrenner
Goodling	McHugh	Serrano
Gordon	McInnis	Shadegg
Goss	McIntosh	Shaw
Graham	McKeon	Shays
Green	McKinney	Shuster
Greenwood	Meehan	Sisisky
Gunderson	Meek	Skaggs
Gutierrez	Menendez	Skeen
Gutknecht	Metcalfe	Skelton
Hall (OH)	Meyers	Slaughter
Hall (TX)	Mfume	Smith (MI)
Hamilton	Mica	Smith (NJ)
Hancock	Miller (CA)	Smith (TX)
Hansen	Miller (FL)	Smith (WA)
Harman	Minge	Solomon
Hastings (FL)	Mink	Souder
Hastings (WA)	Moakley	Spence
Hayes	Molinari	Spratt
Hayworth	Mollohan	Stark
Hefley	Montgomery	Stearns
Hefner	Moorhead	Stenholm
Heineman	Morella	Stockman
Herger	Murtha	Stokes
Hilleary	Myers	Studds
Hilliard	Myrick	Stump
Hobson	Nadler	Talent
Hoekstra	Neal	Tanner
Hoke	Nethercutt	Tate
Holden	Neumann	Tauzin
Horn	Ney	Taylor (MS)
Houghton	Norwood	Taylor (NC)
Hoyer	Nussle	Tejeda
Hunter	Oberstar	Thomas
Hutchinson	Obey	Thompson
Hyde	Olver	Thornberry
Inglis	Ortiz	Thornton
Istook	Orton	Thurman
Jackson-Lee	Owens	Tiahrt
Jacobs	Oxley	Torres
Jefferson	Packard	Torricelli
Johnson (CT)	Pallone	Towns
Johnson (SD)	Parker	Traficant
Johnson, E. B.	Pastor	Upton
Johnson, Sam	Paxon	Velazquez
Johnston	Payne (NJ)	Vento
Jones	Payne (VA)	Visclosky
Kanjorski	Pelosi	Volkmer
Kaptur	Peterson (FL)	Vucanovich
Kasich	Peterson (MN)	Waldholtz
Kelly	Petri	Walker
Kennedy (MA)	Pickett	Wamp
Kennedy (RI)	Pombo	Ward
Kildee	Pomeroy	Waters
Kim	Porter	Watts (OK)
Kingston	Portman	Waxman
Kleczka	Poshard	Weldon (FL)
Klink	Pryce	Weldon (PA)
Klug	Quillen	Weller
Knollenberg	Quinn	White
Kolbe	Radanovich	Whitfield
LaFalce	Rahall	Wicker
LaHood	Ramstad	Williams
Lantos	Rangel	Wilson
Largent	Reed	Wise
Latham	Regula	Wolf
LaTourette	Richardson	Woolsey
Lazio	Riggs	Wyden
Leach	Rivers	Wynn
Levin	Roberts	Yates
Lewis (CA)	Roemer	Young (AK)
Lewis (GA)	Rogers	Young (FL)
Lewis (KY)	Rohrabacher	Zeliff
Lightfoot	Ros-Lehtinen	Zimmer
Linder	Rose	
Lipinski	Roth	

NAYS—4

Beilenson	Flake
Bereuter	Watt (NC)

NOT VOTING—22

Ackerman	Hostettler	McNulty
Borski	Kennelly	Moran
Chapman	King	Stupak
Costello	Laughlin	Torkildsen
Ensign	Lincoln	Tucker
Ewing	Maloney	Walsh
Hastert	Manton	
Hinchey	Markey	

□ 1441

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 1788, the bill just passed.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2539, ICC TERMINATION ACT OF 1995

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, CLINGER, PETRI, COBLE, Ms. MOLINARI, and Messrs. OBERSTAR, RAHALL, and LIPINSKI.

As additional conferees from the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. HYDE, MOORHEAD, and CONYERS.

There was no objection.

□ 1445

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. LIVINGSTON. Mr. Speaker, notwithstanding the order of the House of November 14, 1995, I ask unanimous consent that the veto message of the