

Carolina (Mr. EDWARDS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. RES. 215

At the request of Mr. CLELAND, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Mr. BREAUX), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 215, a resolution designating the week beginning March 17, 2002, as "National Safe Place Week."

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 215, supra.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, and Mr. CORZINE):

S. 1990. A bill to establish a public education awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1990

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Contraception Education Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) each year, 3,000,000 pregnancies, or one half of all pregnancies, in the United States are unintended, and half of all of these unintended pregnancies end in abortion;

(2) the Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent;

(3) the most commonly used forms of emergency contraception are regimens of ordinary birth control pills taken within 72 hours of unprotected intercourse or contraceptive failure;

(4) emergency contraception, also known as post-coital contraception, is a responsible means of preventing pregnancy that works like other hormonal contraception to delay ovulation, prevent fertilization or prevent implantation;

(5) emergency contraception does not cause abortion and will not affect an established pregnancy;

(6) it is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion;

(7) emergency contraceptive use is the United States remains low, and 9 in 10 women of reproductive age remain unaware of the method;

(8) although the American College of Obstetricians and Gynecologists recommends

that doctors routinely offer women of reproductive age a prescription for emergency contraceptive pills during their annual visit, only 1 in 5 ob/gyns routinely discuss emergency contraception with their patients, suggesting the need for greater provider and patient education;

(9) in light of their safety and efficacy, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of emergency contraceptive pills, and have recommended that dedicated emergency contraceptive products be available without a prescription;

(10) Healthy People 2010, published by the Office of the Surgeon General, establishes a 10-year national public health goal of increasing the proportion of health care providers who provide emergency contraception to their patients; and

(11) public awareness campaigns targeting women and health care providers will help remove many of the barriers to emergency contraception and will help bring this important means of pregnancy prevention to American women.

#### SEC. 3. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY CONTRACEPTION.—The term "emergency contraception" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is—

(A) used after sexual relations; and

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term "health care provider" means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with non-profit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2003 through 2007.

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. STEVENS, Mr. TORRICELLI, Mr. REID, and Mrs. FEINSTEIN):

S. 1991. To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, I rise today to introduce the National Defense Rail Act on behalf of myself and some 19 co-sponsors. This legislation will establish a strong and efficient national passenger rail system. For far too long, we have neglected investing in our Nation's passenger rail system. We have taken an active responsibility in developing the infrastructure of all other modes of transportation, whether it has been federally funding the development of the interstate highway system, subsidizing airport construction, or taking the responsibility for dredging harbors and channels or building locks and dams. Now it is time to build a world class passenger railroad system in the United States. We know it can be done. Japan and France provide two models of successful passenger railroad service. The time to move ahead is now. We cannot wait for highways and airports to become so clogged that they cannot operate any longer. Rail systems are not built in a day. We need to engage in long-term planning to address future passenger transportation growth and show forethought in crafting transportation solutions—not wait for an impending crisis. My legislation provides the vision to begin to do this.

The atrocious events of September 11, 2001, and the aftermath which followed, exposed the vulnerability of our society and our economy when transportation choices are limited and our mobility is diminished. In the aftermath of the horrific attack on the World Trade Center and the Pentagon, we were forced to adjust to a transportation system that was without access to aviation. That should make us all evaluate the problems inherent in a policy that results in overall dependence on any one particular mode of transportation. We need to have a more balanced system of transportation for passengers in this country. Our economy depends on it; our travelers deserve it; and our roads and airports

could operate more efficiently in a balanced system.

After the Federal Aviation Administration grounded all flights following the terrorist attacks on September 11, 2001, travelers flocked to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency.

The situation not only proved that Amtrak works, but that passenger rail is a critical part of our transportation infrastructure during a national emergency or security crisis. Amtrak provided a critical transportation link, carrying 35,000 passengers along the Northeast corridor every day, and hundreds of extra carloads of mail for the U.S. Postal Office in the days following the terrorist attacks.

Transportation security—an essential part of our national security—requires a balanced and competitive system of transportation alternatives. In September, we found that our dependence on the aviation system almost crippled us. We cannot afford to rely on any single mode of transportation; we need to ensure that we have a balanced system that includes a sound passenger rail system. We also know that passenger railroads use less fuel per passenger mile than highway vehicles and commercial airlines. During these times of oil-consciousness, a larger presence of passenger rail in our transportation system would reduce our Nation's dependence on foreign oil.

Passenger railroads, the interstate highway system, and our national aviation network have all taken different paths to their current roles in our national transportation system. The tales of their development stand in quite a stark contrast from each other.

The interstate highway system has received significant attention and federal funding since the construction of the Lincoln Highway in 1913 and the Rural Post Roads Act of 1916, and later during World War II with the Federal Highway Act of 1944. It was not until 1956, however, that the Government began heavily promoting highway transportation with the passage of the Federal Aid Highway Act of 1956. The act established a Highway Trust Fund based upon Federal user taxes, in order to finance up to 90 percent of State construction costs of the \$25 billion plan to pay for new roads, and the construction of the Eisenhower National Interstate and Defense Highway System.

Similar policies and Federal attention for aviation resulted in a strengthened infrastructure, and follows much the same story of the highways system.

Passenger rail service was once a vital instrument in the transportation needs of our Nation. For instance, during World War II, not only did the railroads transport 90 percent of all defense freight, but also 97 percent of all defense personnel on their way to theaters of action. By the end of the war,

railroads accounted for three-quarters of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic. However, with national focus turned to aviation and highways, by the late 1960s most rail companies were petitioning the Government to discontinue passenger services because of losses.

Amtrak was created as a Federal corporation in order to relieve the railroad industry of these unprofitable passenger operations, and in the interest of maintaining a national passenger rail network. But in retrospect, Amtrak was set up not to thrive and expand passenger rail service, but really to just maintain the status quo of 30 years ago. That attitude persists even today. Since 1971, Amtrak has received only \$25 billion in public subsidies; during that period, the United States invested \$750 billion on highways and aviation.

So one problem becomes all too clear—that U.S. passenger rail infrastructure has no stable funding source in contrast to highways, aviation, and transit. In fact, per capita spending on passenger rail is much lower than many other countries: the U.S. ranks behind Britain, France, Japan, Canada, Luxembourg, Austria, Switzerland, Belgium, Sweden, Denmark, Italy, Ireland, Spain, Norway, Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia. Imagine that of the 23 industrialized nations with rail service, we are at the bottom. Including these countries, no passenger rail service in the world has built and operated a passenger rail system at a profit. All have required Government support for construction and maintenance, or operating support, or both. That same principle holds true for highways and aviation, which have required substantial Federal spending since their beginning and continue to receive generous Federal subsidies today.

Those who want passenger rail to operate without Federal assistance—ultimately forcing more travelers onto cars, buses and airplanes—argue that we should not “subsidize” passenger rail. But we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay for all of the equipment and people needed to run our air traffic control system. We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment to create a world-class passenger rail system in order to see the same kinds of benefits.

While that argument should stand on its own, here's something the highway and airline crowd can take to the bank: moving more short-haul travelers to rail service reduces congestion on our already overcrowded highways and eases congestion at airports. It also provides real competition to airlines on short-haul trips.

Over the past 30 years, the lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for Amtrak: serve a public function by operating unprofitable long-distance routes, but also attempt to operate at a profit. To add insult to injury, Amtrak has been forced to delay capital improvement projects having important long-term benefits in order to attempt to meet the mandate of the 1997 Act. Congress passed this misguided law in 1997, requiring Amtrak to operate without government support by the end of fiscal year 2002. But there is no truly national passenger train service in the world that makes a profit. Requiring Amtrak to make a profit has forced the railroad to forgo long-term capital investments in favor of short-term, bond payment shell games. Instead of investing in modern trains and infrastructure upgrades, Amtrak was forced to mortgage Penn Station just to pay the electric bill.

From this, it is evident that we need to reevaluate our Nation's rail passenger policy, and clearly define a role for Amtrak. A strong Federal role was required to establish the interstate highway system and the Federal aviation network. And now Federal investment in passenger rail infrastructure is critical; once again, Federal leadership is required to address the needs of a reliable, safe, secure passenger rail network.

This legislation provides a blueprint for the future of passenger rail in the United States. The bill will help develop high-speed rail corridors, which are the building blocks for a national passenger rail system. This will allow regional transportation solutions to play a part in the national system. It will also aid in the development of short distance corridors between larger urban centers, as well as provide funding to preserve longer distance routes for those communities that do not have the population densities to merit air service—sometimes the train is their only alternative to driving. Finally, it will provide Amtrak with the tools and funding it needs to operate efficiently.

This legislation authorizes \$1.255 billion in emergency spending for Amtrak's security and life safety needs. Similar language was included in the Rail Security Act, S. 1550, which was favorably reported by the committee on October 17, 2001. In that legislation, we authorized funds to be spent on immediate rail security needs, such as hiring more police officers across the entire Amtrak system and modernizing the safety infrastructure of old tunnels.

This bill will give the Federal Government the script for the role it needs

to play in establishing a national rail passenger system. It would not require any State contribution, and would give preference to projects having right-of-way dedicated to passenger rail, involving high-speed passenger service of 125 mph, although operations of 90 mph speeds or more would be eligible for funding, and those connecting to other modes of passenger transportation, including airports.

The bill authorizes \$1.5 billion annually for corridor development. These funds are needed for infrastructure acquisition, highway-rail grade crossing improvement/elimination, acquisition of rolling stock and track and signal equipment. Development of a national passenger rail system carries a high cost, and the Federal Government must take the lead role in funding it.

This bill will also fund \$35 billion in loan guarantees. This money will dramatically expand the current Railroad Rehabilitation & Infrastructure Financing loan and loan guarantee program. But we also must restructure that program. Since it was created in 1998 as part of TEA-21 bill, the program has processed only a few loans due to unreasonable constraints imposed by OMB. Our bill eliminates the artificial limits on loan amounts, impossible collateral requirements, and unworkable loan cohort structures.

This bill identifies existing high-speed corridors in 29 States and the District of Columbia for priority consideration. Many of these corridors are in areas where people are now driving cars or taking airplanes on trips of 300 miles or less. In these areas, like the East Coast, travelers could take a high-speed train instead and arrive at about the same time. But right now they don't have that rail option, and they won't until we build it.

The passenger railroad system that has worked well in the Northeast can work in other highly-congested areas of the country: the South, the Midwest, California and the Northwest. Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run 3 hours late, their Governors—many of them Republicans—are asking us for help to build high speed rail.

A short-term benefit of this legislation will be stimulation of the economy by providing jobs in developing new corridors. This bill ensures that fair labor standards for all projects receiving funds under it, including payment of prevailing wages and allowance of collective bargaining over wage rates.

Another immediate benefit will be the closing/improvement of highway-rail grade crossings in high-speed rail corridors. Under this bill, funds are set aside specifically for these important safety improvements.

This legislation will provide the necessary funds of \$1.31 billion for Amtrak

to repair and upgrade the track it owns and operates in the Northeast corridor. This corridor is a prime example of the benefits we can attain when there are transportation choices for travelers. The Northeast corridor has become an invaluable asset to our national transportation system, and it should not be left in disrepair. This bill authorizes funds to enable Amtrak to eliminate its capital backlog of projects, maintain ongoing projects to capital infrastructure, and improve capacity to accommodate projected growth in traffic. It also allows Amtrak to reinvest revenues from operations in the Northeast corridor back into the backlog of capital infrastructure projects.

In a nutshell, this is our long term plan to make passenger rail a part of our balanced transportation system. But in the short run, we must make sure Amtrak's financial foundation is strong at a time when we are relying on them more than ever. Amtrak's ridership has increased consistently, and they now carry over 22 million passengers per year. This legislation will give Amtrak the tools and funding they need to create a modern, efficient passenger railroad. The bill reauthorizes Amtrak for 5 years, and fully funds their capital needs and the operating losses with respect to long-distance service.

This legislation repeals the unrealistic operating self-sufficiency requirements. It also authorizes funding for compliance with environmental standards, and the Americans with Disabilities Act.

This legislation will further aid Amtrak to operate more efficiently. It will require Amtrak to reinvest revenues from non-passenger operations into growth projects outside the Northeast corridor. It will require revenue from the Northeast corridor to be reinvested into capital projects on the Northeast corridor. Finally, it will require an annual independent audit of Amtrak, to be reviewed by the Department of Transportation's Inspector General.

I am pleased my colleagues have joined with me in sponsoring this bill. By developing passenger rail as part of a balanced transportation system, this legislation will lead to the creation of jobs in the short run to stimulate our economy. In the long run, high-speed rail corridors will become a key foundation for our national rail passenger transportation system, which is critical to the strong backbone of a prosperous economy.

Like the interstate highway system, the benefits of passenger rail and Amtrak could be immeasurable, so we have much at stake. While I have outlined an ambitious blueprint, I keep in mind that 50 years ago, the National System of Interstate and Defense Highways was "pie in the sky." Now our successful Dwight D. Eisenhower System of Interstate and Defense Highways and national aviation network are used by many, so much that in many places they are congested and

strained to capacity. We should not wait until our current transportation problems reach epidemic proportions; our economy cannot afford it.

Madam President, I ask unanimous consent that the bill and an outline of the finances of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1991

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Defense Rail Act".

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.

Sec. 2. Findings.

#### **TITLE I—RAIL TRANSPORTATION SECURITY**

Sec. 101. Amtrak security assistance.  
Sec. 102. Study of foreign rail transport security programs.  
Sec. 103. Passenger, baggage, and cargo screening.  
Sec. 104. Rail security.  
Sec. 105. Rail transportation security risk assessment.

#### **TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM**

Sec. 201. Interstate railroad passenger high-speed transportation policy.  
Sec. 202. High-speed rail corridor planning.  
Sec. 203. Implementation assistance.  
Sec. 204. Designated high-speed rail corridors.  
Sec. 205. Labor standards.  
Sec. 206. Railway-highway crossings in high-speed rail corridors.  
Sec. 207. Authorization of appropriations.

#### **TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION**

Sec. 301. National railroad passenger transportation system defined.  
Sec. 302. Extension of authorization.  
Sec. 303. Additional Amtrak authorizations.  
Sec. 304. Northeast Corridor authorizations.  
Sec. 305. Long distance trains.  
Sec. 306. Short distance trains; State-supported routes.  
Sec. 307. Re-establishment of Northeast Corridor Safety Committee.  
Sec. 308. On-time performance.  
Sec. 309. Amtrak board of directors.  
Sec. 310. Independent audit of Amtrak operations; review by DOT IG.

#### **TITLE IV—MISCELLANEOUS**

Sec. 401. Rehabilitation, improvement, and security financing.  
Sec. 402. Rail passenger cooperative research program.  
Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.  
Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

#### **SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Financial investment in passenger rail infrastructure is critical, and Federal leadership is required to address the needs of a reliable safe, secure passenger rail network, just as has been used in establishing the interstate highway system and the Federal aviation network.

(2) Lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. According to the Department of Transportation, in 1999 the cost of wasted time and extra fuel consumption due to delays on congested roads was estimated at \$78 billion.

(3) Passenger rail is an integral part of the United States transportation system, and, as can be evidenced in the Northeast Corridor, relieves the pressures of congestion on highways and at airports, and creates a more balanced system of transportation alternatives.

(4) Passenger rail service has been a vital instrument in the transportation needs of our Nation. For instance, during World War II, the privately owned, operated, and constructed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, railroads accounted for three quarters of the share of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic.

(5) Significant attention and Federal funding were required to construct the Eisenhower System of Interstate and Defense Highways. The Federal Aid Highway Act of 1956 established a Highway Trust Fund based upon Federal user taxes in order to finance up to 90 percent of the costs of the \$25 billion dollar highway construction plan.

(6) Federal policies with respect to investment in aviation resulted in a strengthened aviation industry and the rapid development of air passenger service, and by the late 1960's most rail companies were petitioning the Government to discontinue passenger services because of losses.

(7) Amtrak was established in 1971 by the Rail Passenger Service Act of 1970 to provide passenger rail services in the United States as a public service; at the time of Amtrak's formation, freight railroads were losing money on unprofitable passenger rail operations. Since 1971 Amtrak has received only \$25 billion in public subsidies; during that period, the United States invested \$750 billion on highways and aviation.

(8) The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for the National Railroad Passenger Corporation of both serving a public function by operating unprofitable long-distance routes while also attempting to operate at a profit. This policy has also restricted Amtrak's profit potential on the Northeast Corridor by limiting the capital expenditures to help defray other costs.

(9) Due to a lack of capital investment, the Northeast Corridor has accumulated a backlog of repair needs, including life safety and security needs. Investment in the capital needs of the Northeast Corridor would result in capacity improvements which would result in greater utilization of the existing infrastructure.

(10) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's lack of available capital has impeded its efforts to achieve financial goals.

(11) In order to attempt to meet the mandate of the Amtrak Reform and Account-

ability Act of 1997, Amtrak has been forced to delay capital improvement projects and other projects which would produce long-term benefits.

(12) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's most profitable operations are on the Northeast Corridor, where Federal investment in passenger rail infrastructure has been significantly higher than anywhere else in the country.

(13) Federal investments in capital projects to support passenger rail in areas other than the Northeast Corridor would result in improved service and increase profitability.

(14) The need for a balanced interstate and international transportation system that provides a viable alternative to travel by private automobile or commercial aircraft is particularly evident after the events of September 11, 2001.

(15) As a matter of national security, a strong passenger rail network would provide travelers an alternative to highway and air travel, which could lead to reduced United States reliance on foreign oil imports.

(16) In fiscal year 2001, the United States spent less than 1 percent of all transportation modal spending on intercity passenger rail, and since 1998, Amtrak has received only \$4.59 billion of the \$8.42 billion it has been authorized to receive by Congress.

(17) Passenger rail in the United States has no stable funding source, in contrast to highways, aviation, and transit.

(18) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks behind other countries including Canada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Sweden, Luxembourg, Denmark, Ireland, Norway, the Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(19) The United States needs to engage in long-term planning to foster and address future passenger transportation growth and show forethought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to preserve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

(21) Long-term planning and support for passenger rail will help offset the emerging problems created by transportation congestion, and contribute to a cleaner and more environmentally-friendly transportation system.

(22) A comprehensive re-evaluation of our nation's rail passenger policy is required and a clearly defined role for Amtrak and a connected rail passenger network must be established.

(23) The Federal government must take the primary responsibility for developing national railroad passenger transportation infrastructure, and help ensure that it functions as an efficient network. Privatization of the rail passenger industry in Great Britain has been disastrous and passenger service has suffered overall.

(24) The Nation should be afforded the opportunity to receive safe, efficient, and cost-effective rail passenger services, taking into account all benefits to the Nation as a whole.

## TITLE I—RAIL TRANSPORTATION SECURITY

### SEC. 101. AMTRAK SECURITY ASSISTANCE.

(a) INFRASTRUCTURE SECURITY.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) \$26,000,000 for tunnel, bridge, electric traction, and tower security, including closed circuit television cameras, vehicle barriers, lighting, and fencing, of which \$19,725,000 shall be obligated or expended on the Northeast Corridor and \$6,275,000 shall be obligated or expended outside the Northeast Corridor.

(2) \$137,370,000 for interlocking security needs, including closed circuit television cameras, lighting, fencing and vehicle barriers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(3) \$12,525,000 for equipment facility security, including closed circuit television cameras, lighting, and vehicle barriers, of which \$4,175,000 shall be obligated or expended on the Northeast Corridor and \$8,350,000 shall be obligated or expended outside the Northeast Corridor.

(4) \$22,140,000 for yard and terminal security, including closed circuit television cameras, lighting, fencing and vehicle barriers, of which \$9,225,000 shall be obligated or expended on the Northeast Corridor and \$12,915,000 shall be obligated or expended outside the Northeast Corridor.

(5) \$2,940,000 for mail and express facilities security, including closed circuit television cameras, lighting, fencing, and vehicle barriers, of which \$1,470,000 shall be obligated or expended on the Northeast Corridor and \$1,470,000 shall be obligated or expended outside the Northeast Corridor.

(6) \$20,125,000 for station security, including closed circuit television cameras, x-ray machines, lighting, fencing and vehicle barriers, of which \$7,000,000 shall be obligated or expended on the Northeast Corridor and \$13,125,000 shall be obligated or expended outside the Northeast Corridor.

(7) \$538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(8) \$75,000 for bomb-resistant trash containers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(9) \$5,800,000 for a passenger information retrieval system to capture security information, create watchlists, and an online history of passengers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) \$6,200,000 for an incident tracking system to create and maintain an electronic database of data on criminal and operational incidents, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(11) \$4,300,000 for upgrades to ticket kiosks for photo imaging for identification purposes, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(12) \$16,750,000 for an incident command system to serve as a second command center and a disaster recovery command site, of which \$5,000,000 shall be obligated or expended on the Northeast Corridor and \$11,750,000 shall be obligated or expended outside the Northeast Corridor.

(13) \$5,000,000 for train locator and tracking systems to provide GPS coordinates for all locomotives, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(14) \$120,000 for a notification system for integration of GPS information into the central computer systems, of which 50 percent

shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(15) \$1,245,000 for mail and express shipment software to identify each shipment positively before it is transported by rail, of which \$405,000 shall be obligated or expended on the Northeast Corridor and \$840,000 shall be obligated or expended outside the Northeast Corridor.

(16) \$1,211,000 for mail and express tracking deployment to identify the status of each rail shipment.

(b) **SECURITY OPERATIONS.**—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) \$354,000 for hiring 4 police officers, each of whom is to be dedicated to a specific region of the United States, to provide intelligence-gathering and analysis, conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(2) \$10,411,000 for the hiring of 150 patrol officers and 48 specialized personnel, of whom 101 would be deployed on the Northeast Corridor and 97 outside the Northeast Corridor.

(3) \$11,292,000 for the hiring of 250 security officers, of whom 147 would be deployed on the Northeast Corridor and 103 outside the Northeast Corridor.

(4) \$1,828,000 for the hiring of 20 canine bomb teams, of which 14 are to be deployed outside the Northeast Corridor and 10 are to be deployed to mail and express facilities.

(5) \$30,761,000 for 90 infrastructure security inspectors to inspect the rights-of-way, bridges, buildings, tunnels, communications and signaling equipment, fencing, gates, barriers, lighting, catenary system, and other security features, of which \$21,000,000 is to be obligated or expended on the Northeast Corridor and \$10,000,000 is to be obligated or expended outside the Northeast Corridor.

(6) \$2,990,000 to expand aviation capabilities for security coverage and patrol capabilities, including equipment, staff, and facilities, of which \$997,000 is to be obligated or expended on the Northeast Corridor and \$1,993,000 is to be obligated or expended outside the Northeast Corridor.

(7) \$1,095,000 for the leasing of 150 vehicles and 10 bicycles to support patrol capabilities, of which \$569,000 is to be obligated or expended on the Northeast Corridor and \$526,000 is to be obligated or expended outside the Northeast Corridor.

(8) \$669,000 for 6 management level positions with responsibility for direction, control, implementation, and monitoring of security systems, including the deployment of the 250 security officers throughout the Amtrak system, of which \$446,000 is to be obligated or expended on the Northeast Corridor and \$223,000 is to be obligated or expended outside the Northeast Corridor.

(9) \$980,000 for applicant background investigations, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) \$457,000 for rapid response teams to respond to and prepare for on-site consequence management, all of which shall be obligated or expended outside the Northeast Corridor.

(c) **EQUIPMENT SECURITY.**—

(1) **IN GENERAL.**—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(A) \$1,755,000 to provide two-way communication devices for all Amtrak conductors.

(B) \$3,000,000 for 2 mobile emergency command and communication units and rapid response teams, 1 to be located in the Midwest and 1 on the West Coast.

(C) \$651,000 for 200 to 400 radioactive material detectors to be deployed system-wide, of which \$231,000 is to be obligated or expended on the Northeast Corridor and \$420,000 is to be obligated or expended outside the Northeast Corridor.

(D) \$4,000,000 for hand-held bomb detectors for use by police to inspect baggage and packages.

(E) \$1,400,000 to screen express packages before being placed on trains.

(F) \$1,305,000 for secure locking devices on mail and express cars that have satellite-monitoring capability.

(G) \$10,234,000 for video recording systems on road locomotives, of which \$4,859,000 is to be obligated or expended on the Northeast Corridor and \$5,375,000 is to be obligated or expended outside the Northeast Corridor.

(H) \$6,712,000 to acquire and install satellite-based technology to shut down any locomotive that is not under the control of its crew.

(I) \$4,320,000 to install 10 new communications stations to enable radio communications in remote locations and 12 satellite receivers.

(J) \$4,000,000 for 4 self-propelled high-speed rail cars designated for selective patrol and enforcement functions, including critical incident response, dignitary protection, and roving rail security inspections.

(2) **ALLOCATION.**—Except as provided in subparagraphs (B), (C), and (G) of paragraph (1), 50 percent of any amounts appropriated pursuant to paragraph (1) shall be obligated or expended on the Northeast Corridor and 50 percent of such amounts shall be obligated or expended outside the Northeast Corridor.

(d) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsections (a), (b), and (c) shall remain available until expended.

(e) **PROHIBITION ON USE OF EQUIPMENT FOR EMPLOYMENT-RELATED PURPOSES.**—An employer may not use closed circuit television cameras purchased with amounts authorized by this section for employee disciplinary or monitoring purposes unrelated to transportation security.

#### **SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.**

(a) **REQUIREMENT FOR STUDY.**—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) **PURPOSE.**—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) **REPORT.**—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

#### **SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

(a) **REQUIREMENT FOR STUDY AND REPORT.**—The Secretary of Transportation shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Sec-

retary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) **PILOT PROGRAM.**—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage at 5 of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak passenger trains) and at up to five additional rail stations served by Amtrak that are selected by the Secretary. In selecting the additional train stations the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

#### **SEC. 104. RAIL SECURITY.**

(a) **SECRETARY OF TRANSPORTATION.**—Section 20103(a) is amended by striking "safety" and inserting "safety, including the security of railroad operations."

(b) **RAIL POLICE OFFICERS.**—Section 28101 is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(c) **REVIEW OF RAIL REGULATIONS.**—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration's Rail Safety Advisory Committee, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

#### **SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.**

(a) **IN GENERAL.**—

(1) **ASSESSMENT.**—The Secretary of Transportation shall assess the security risks associated with rail transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological weapon detection equipment;

(C) dealing with the immediate and long-term economic impact of measures that may be required to address those risks; and

(D) training employees in terrorism response activities.

(2) **EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.**—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(3) **RAILROAD CROSSING DELAYS.**—The Secretary shall include in the assessment an analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing such delays and reducing the risks identified in the analysis.

(b) **CONSULTATION; USE OF EXISTING RESOURCES.**—In carrying out the assessment required by subsection (a), the Secretary shall—

(1) consult with rail management, rail labor, and public safety officials (including officials responsible for responding to emergencies); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration's Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to railroads to assist the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

## TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

### SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.

(a) IN GENERAL.—Chapter 261 is amended by inserting before section 26101 the following:

#### “§ 26100. Policy

“(a) IN GENERAL.—The Congress declares that it is the policy of the United States that designated high-speed railroad passenger transportation corridors are the building blocks of an interconnected interstate railroad passenger system that serves the entire Nation.

“(b) SECRETARY REQUIRED TO ESTABLISH NATIONAL HIGH-SPEED GROUND TRANSPORTATION POLICY.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 309(e)(1) of this title no later than December 31, 2002.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 261 is amended by inserting before the item relating to section 26101 the following:

“26100. Policy.”.

(2) Section 309(e)(1) is amended by striking “Within 12 months after the submission of the study required by subsection (d),” and inserting “No later than December 31, 2002.”.

### SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.

(a) IN GENERAL.—Section 26101(a) is amended to read as follows:

“(a) PLANNING.—

“(1) IN GENERAL.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23.

“(2) SECRETARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary.

“(3) 100 PERCENT FEDERAL FUNDING.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

“(4) PRIORITIES TO CHICAGO, ATLANTA, AND DALLAS/FORT WORTH.—In determining projects to be undertaken pursuant to this paragraph, the Secretary shall give the highest priorities to undertaking planning in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.”.

(b) CONFORMING AND OTHER AMENDMENTS TO SECTION 26101.—Section 26101 is further amended—

(1) by striking subsection (c)(2) and inserting the following:

“(2) the extent to which the proposed planning focuses on high-speed rail systems, giving a priority to systems which will achieve sustained speeds of 125 miles per hour or greater and projects involving dedicated rail passenger rights-of-way;”;

(2) by inserting “and” after the semicolon in subsection (c)(12);

(3) by striking “completed; and” in subsection (c)(13) and inserting “completed.”;

(4) by striking subsection (c)(14); and

(5) by adding at the end the following:

“(d) OPERATORS AND CERTAIN SERVICE PROVIDERS DEEMED RAIL CARRIERS.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.”.

(c) CONFORMING AMENDMENT.—Section 511(n)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(n)(1)) is amended by striking “125” and inserting “90”.

(d) FINANCIAL ASSISTANCE TO INCLUDE LOANS AND LOAN GUARANTEES.—Section 26105(1) is amended by inserting “loans, loan guarantees,” after “contracts.”.

(e) REINVESTMENT OF NON-PASSENGER OPERATING PROFIT.—Amtrak shall invest any revenue from non-passenger operations in capital needs outside the Northeast Corridor.

### SEC. 203. IMPLEMENTATION ASSISTANCE.

(a) IN GENERAL.—Chapter 261 is amended by inserting after section 26101 the following:

#### “§ 26101A. Implementation of corridor plans

“(a) IMPLEMENTATION ASSISTANCE.—

“(1) IN GENERAL.—The Secretary of Transportation shall provide implementation assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23. The Secretary shall establish an application and qualification process and, before providing assistance under this section, make a determination on the record that the applicant is qualified and eligible for assistance under this section.

“(2) SECRETARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide implementation assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities approved by the Secretary.

“(3) 100 PERCENT FEDERAL SHARE.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

“(4) CONTRIBUTION OF LAND.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly

through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

“(5) PRIORITIES TO CHICAGO, ATLANTA, AND DALLAS/FORT WORTH.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertaking implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.

“(6) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available for implementation assistance to providing appropriate related assistance in any State the rail transportation system of which—

“(A) is not physically connected to rail systems in the continental United States; and

“(B) may not otherwise qualify for high-speed rail implementation assistance due to the constraints imposed on the railway infrastructure in that State due to the unique characteristics of the geography of that State or other relevant considerations, as determined by the Secretary.

“(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The following activities are eligible for implementation assistance under subsection (a):

“(1) Security planning and the acquisition of security and emergency response equipment.

“(2) Operating expenses.

“(3) Infrastructure acquisition and construction of track and facilities.

“(4) Highway-rail grade crossing eliminations and improvements.

“(5) Acquisition of rights-of-way, locomotives, rolling stock, track, and signal equipment.

“(c) CRITERIA FOR DETERMINING ASSISTANCE FOR IMPLEMENTATION ACTIVITIES.—The Secretary, in selecting recipients of assistance under subsection (a), shall—

“(1) encourage the use of positive train control technologies;

“(2) require that any project meet any existing safety regulations, and give preference to any project determined by the Secretary to have particularly high levels of safety;

“(3) encourage intermodal connectivity by locating train stations in or near airports, bus terminals, subway stations, ferry ports, and other modes of transportation; and

“(4) ensure a general regional balance in providing such assistance and avoid the concentration of a disproportionate dedication of available financial assistance resources to a single project or region of the country.

“(d) OPERATORS AND CERTAIN SERVICE PROVIDERS DEEMED RAIL CARRIERS.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.”.

(b) RULEMAKING REQUIRED.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create an application and qualification procedure for providing high-speed rail corridor implementation assistance under section 26101A of title 49, United States Code.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

“26101A. Implementation of corridor plans.”.



**SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

(a) IN GENERAL.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to designated high-speed rail corridors.

(b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—For purposes of subsection (a), the following shall be considered to be designated high-speed rail corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin.

(C) Chicago to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri.

(D) Chicago to Louisville, Kentucky, via Indianapolis, Indiana, and Cincinnati, Ohio.

(E) Chicago to Cleveland, Ohio, via Toledo, Ohio.

(F) Cleveland, Ohio, to Cincinnati, Ohio, via Columbus, Ohio.

(3) Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia.

(6) Keystone Corridor from Philadelphia, Pennsylvania, through Harrisburg, Pennsylvania, to Pittsburgh, Pennsylvania.

(7) Northeast Corridor from Washington, District of Columbia, through New York City, New York, New Haven, Connecticut, and Providence, Rhode Island, to Boston, Massachusetts, with a branch from New Haven, Connecticut, to Springfield, Massachusetts.

(8) New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec.

(9) Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia.

(10) South Central Corridor from San Antonio, Texas, through Dallas/ Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma.

(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with—

(A) a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenville, South Carolina, to Atlanta, Georgia; a branch from Richmond, to Hampton Roads/Norfolk, Virginia;

(B) a branch from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina;

(C) a connecting route from Atlanta, Georgia, to Jessup, Georgia;

(D) a connecting route from Atlanta, Georgia, to Charleston, South Carolina; and

(E) a branch from Raleigh, North Carolina, through Florence, South Carolina, to Charleston, South Carolina, and Savannah, Georgia, with a connecting route from Florence, South Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) OTHER HIGH-SPEED RAIL CORRIDORS.—

For purposes of this section, subsection (b)—

(1) does not limit the term “designated high-speed rail corridor” to those corridors described in subsection (b); and

(2) does not limit the Secretary of Transportation’s authority—

(A) to designate additional high-speed rail corridors; or

(B) to terminate the designation of any high-speed rail corridor.

**SEC. 205. LABOR STANDARDS.**

(a) EMPLOYEE PROTECTION.—The Secretary of Transportation shall require as a condition of any project financed in whole or in part by funds authorized by this Act that the project be conducted in a manner that provides a fair arrangement at least as protective of the interests of employees who are affected by the project so funded as the terms imposed under arrangements reached under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note) on rail carriers.

(b) LABOR STANDARDS.—

(1) PREVAILING WAGES.—The Secretary or Transportation—

(A) shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed in whole or in part by funds authorized by this Act will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.); and

(B) may make such funds available with respect to construction work only after being assured that required labor standards will be maintained on the construction work.

(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

**SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED RAIL CORRIDORS.**

(a) IN GENERAL.—The entire cost of construction of projects for the elimination of hazards of railway-highway crossings in designated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums authorized by subsection (k). In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) CLASSIFICATION OF PROJECTS.—The Secretary may classify the various types of projects involved in the elimination of hazards of high-speed rail corridor railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad’s share of the cost of construction. The percentage so determined shall in no case exceed 10 per cent of such costs. The Secretary shall determine the appropriate classification of each project.

(c) LIABILITY OF RAILROAD.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available under this section shall be liable to

the United States for the net benefit to the railroad determined under the classification of such project made under subsection (b). That liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. The payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of the project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all high-speed rail corridor railway-highway crossings to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose.

(e) FUNDS FOR PROTECTIVE DEVICES.—The Secretary shall give priority under this section to the elimination of high-speed rail corridor railway-highway grade crossings, but shall make funds authorized for obligation or expenditure under this section available for the installation of protective devices at high-speed rail corridor railway-highway crossings where appropriate.

(f) APPORTIONMENT.—The Secretary shall apportion funds available for obligation and expenditure under this section between high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Northeast Corridor in an equitable fashion, taking into account traffic volume, traffic patterns, frequency of trains, adequacy of existing hazard warnings, and such other factors as the Secretary deems appropriate.

(g) ANNUAL REPORT.—The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The report shall include—

(1) the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(2) an analysis and evaluation of the program activities in each State, including identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

(3) recommendations for future implementation of the railway-highway crossings program under this section and section 130 of title 23, United States Code.

(h) USE OF FUNDS FOR MATCHING.—Funds authorized to be appropriated to carry out this section may be used to provide a local

government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

(i) **INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), the Secretary may make incentive payments to a local government upon the permanent closure by such government of public at-grade high-speed rail corridor railway-highway crossings under its jurisdiction.

(2) **INCENTIVE PAYMENTS BY RAILROADS.**—The Secretary may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) **AMOUNT OF FEDERAL INCENTIVE PAYMENT.**—The amount of the incentive payment payable to a local government under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) \$ 7,500.

(j) **COORDINATION WITH TITLE 23 PROGRAM.**—In carrying out this section, the Secretary shall—

(1) implement this section in accordance with the classification of projects and railroad share of the cost as provided in section 646.210 of title 23, Code of Federal Regulations; and

(2) coordinate the administration of this section with the program established by section 130 of title 23, United States Code, in order to avoid duplication of effort and to ensure the effectiveness of both programs.

(k) **FUNDING.**—Not less than 10 percent of the amounts appropriated for each fiscal year to carry out section 26101A shall be obligated or expended to carry out this section.

#### **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

Section 26104 is amended to read as follows:

##### **“§ 26104. Authorization of appropriations**

“(a) **FISCAL YEARS 2003 THROUGH 2008.**—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2008—

“(1) \$25,000,000 for carrying out section 26101;

“(2) \$1,500,000,000 for carrying out section 26101A; and

“(3) \$25,000,000 for carrying out section 26102.

“(b) **FUNDS TO REMAIN AVAILABLE.**—Funds made available under this section shall remain available until expended.

“(c) **SPECIAL RULE.**—Except as specifically provided in section 26101, 26101A, or 26102, no amount authorized by subsection (a) may be used for obligation or expenditure on the Boston-to-Washington segment of the Northeast Corridor while that segment is receiving Federal funds for capital or operating expenses.”.

#### **TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION**

##### **SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.**

(a) **IN GENERAL.**—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

“(5) ‘national rail passenger transportation system’ means—

“(A) the spine of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

“(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors, but only after they have been improved to permit operation of high-speed service;

“(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the National Defense Rail Act; and

“(D) short-distance corridors or routes operated as of the date of enactment of the National Defense Rail Act, unless discontinued by Amtrak.”.

(b) **AMTRAK ROUTES WITH STATE FUNDING.**—

(1) **IN GENERAL.**—Chapter 247 is amended by inserting after section 27101 the following:

##### **“§ 24702. Transportation requested by States, authorities, and other persons**

“(a) **CONTRACTS FOR TRANSPORTATION.**—Amtrak and a State, a regional or local authority, or another person may enter into a contract for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

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

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

“24702. Transportation requested by States, authorities, and other persons”.

##### **SEC. 302. EXTENSION OF AUTHORIZATION.**

(a) **IN GENERAL.**—Section 24104(a) is amended—

(1) by striking “and” in paragraph (4);

(2) by striking “2002,” in paragraph (5) and inserting “2002; and”; and

(3) by inserting after paragraph (5) the following:

“(6) such sums as are authorized by this title and by the National Defense Rail Act for fiscal years 2003 through 2007.”.

(b) **REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.**

(1) **TITLE 49 AMENDMENTS.**—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) **AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.**—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) **COMMON STOCK REDEMPTION DATE.**—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(c) **LEASE ARRANGEMENTS.**—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2003 and each fiscal year thereafter.

(d) **MISCELLANEOUS AMTRAK-RELATED AMENDMENTS.**—

(1) **FINANCIAL POWERS.**—Section 415(d) of the Amtrak Reform and Accountability Act of 1997 by adding at the end the following:

“(3) This section does not affect the applicability of section 3729 of title 31, United States Code, to claims made against Amtrak.”.

(2) **APPLICATION OF D.C. CORPORATION ACT.**—Section 24301(e) is amended by striking “title 5, this part, and, to the extent consistent with this part, the District of Columbia Corporation Act (D.C. Code 29-301 et seq.)” and inserting “title 5 and this part”.

(3) **APPLICATION OF BUY AMERICAN ACT.**—Section 24305(f) is amended to read as follows:

“(f) **DOMESTIC BUYING PREFERENCES.**—The Buy American Act (41 U.S.C. 10a) and section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511) apply to Amtrak.”.

##### **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

(a) **EXCESS RRTA.**—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries.

(b) **PRINCIPAL AND INTEREST PAYMENTS.**—

(1) **PRINCIPAL ON DEBT SERVICE.**—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, \$105,000,000.

(B) For fiscal year 2004, \$93,000,000.

(C) For fiscal year 2005, \$105,000,000.

(D) For fiscal year 2006, \$108,000,000.

(E) For fiscal year 2007, \$183,000,000.

(2) **INTEREST ON DEBT.**—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, \$160,000,000.

(B) For fiscal year 2004, \$157,000,000.

(C) For fiscal year 2005, \$147,000,000.

(D) For fiscal year 2006, \$142,000,000.

(E) For fiscal year 2007, \$134,000,000.

(c) **ENVIRONMENTAL COMPLIANCE.**—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor, in order to comply with environmental regulations.

(d) **COMPLIANCE WITH ADA REQUIREMENTS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, \$43,000,000 for access improvements in facilities and stations necessary to comply with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162), including an initial assessment of the full set of needs across the national rail passenger transportation system, of which—

(A) \$10,000,000 shall be obligated or expended on the Northeast Corridor; and

(B) \$33,000,000 shall be obligated or expended outside the Northeast Corridor, of which \$15,000,000 shall be obligated or expended for long-distance trains.

(2) **BEST EFFORTS REQUIREMENT.**—If Amtrak fails to meet the period for compliance requirement imposed by section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I))—

(A) it shall not be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12132) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—



(i) Amtrak has made substantial progress toward meeting the requirements of section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)); and

(ii) Amtrak's failure to meet the period of compliance requirement of that section is attributable to the insufficiency of appropriated funds; and

(B) the period for compliance under section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)) shall be extended until—

(i) sufficient funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply fully with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

#### SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, the following amounts:

(1) \$370,000,000 for capital backlog on infrastructure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal system renewal.

(2) \$60,000,000 for capital backlog on fleet to bring existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(3) \$40,000,000 for capital backlog on stations and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(4) \$350,000,000 for ongoing capital infrastructure—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards; and

(C) to meet current service commitments.

(5) \$40,000,000 for ongoing capital fleet investment to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(6) \$30,000,000 for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-equipment and maintenance-of-way facilities.

(7) \$20,000,000 for ongoing technology upgrades of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

(b) LIFE SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) \$798,000,000 for the 6 New York tunnels built in 1910 to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(2) \$57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades.

(3) \$40,000,000 for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings to improve ventilation, commu-

nication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, \$3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for corridor growth investments in the Northeast Corridor—

(1) For fiscal year 2003, \$200,000,000.

(2) For fiscal year 2004, \$300,000,000.

(3) For fiscal year 2005, \$400,000,000.

(4) For fiscal year 2006, \$500,000,000.

(5) For fiscal year 2007, \$600,000,000.

(e) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in subsection (b)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and carriers if feasible.

(f) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(g) REINVESTMENT OF NEC OPERATING PROFIT.—Amtrak shall invest any revenue from operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements are completed under Amtrak's 20-year plan.

#### SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$360,000,000 for operating costs associated with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$70,000,000 to reduce the capital backlog and to bring its existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(c) ONGOING CAPITAL INFRASTRUCTURE INVESTMENTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$80,000,000 for ongoing capital infrastructure—

(1) to replace assets on a life-cycle basis;

(2) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards;

(3) to meet current service commitments; and

(4) to provide funds for investment in partner railroads to operate passenger service at currently committed levels.

(d) CAPITAL FLEET NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(e) CAPITAL STATIONS AND FACILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$10,000,000 for ongoing

capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities.

(f) TECHNOLOGY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, \$10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

#### SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, for obligation and expenditure on routes outside the Northeast Corridor—

(1) \$20,000,000 for capital backlog on infrastructure to bring infrastructure up to a state-of-good-repair, including improvements on bridges and tunnels that are approaching the end of their useful life and interlocking and signal system renewal;

(2) \$10,000,000 for capital backlog on its fleet to bring Amtrak's existing fleet as of the date of enactment of this Act to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments;

(3) \$170,000,000 for ongoing capital infrastructure to replace assets on a life-cycle basis to ensure a state-of-good-repair is maintained in order to meet safety and reliability standards needed to deliver current service commitments, including investment in partner railroads to operate passenger service at currently committed levels.

(4) \$40,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle preventive maintenance schedule, and heavy overhauls on a 4-year schedule, with interior enhancements as needed;

(5) \$10,000,000 for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities; and

(6) \$20,000,000 for ongoing technology needs to upgrade of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure and communications.

#### SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the Northeast Corridor Safety Committee authorized by section 24905(b) of title 49, United States Code.

(b) TERMINATION DATE.—Section 24905(b)(4) is amended by striking "January 1, 1999," and inserting "January 1, 2008,".

#### SEC. 308. ON-TIME PERFORMANCE.

Section 24308 is amended by adding at the end the following:

"(f) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any consecutive 3-month period, Amtrak may petition the Surface Transportation Board to investigate whether, and to what extent, delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing commuter service, if any. In carrying out such an investigation, the Surface

Transportation Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the on-time performance of the train."

#### SEC. 309. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

##### "§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

"(A) The President of Amtrak.

"(B) The Secretary of Transportation.

"(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest, experience, and qualifications in or directly related to rail transportation, including representatives of the passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, and consumers of passenger rail transportation.

"(2) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(3) The board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(4) The Secretary may be represented at a meeting of the board only by the Deputy Secretary of Transportation, the Administrator of the Federal Railroad Administration, or the General Counsel of the Department of Transportation.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to \$300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

"(c) VACANCIES.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003. The members of the Amtrak Reform Board may continue to serve until 3 directors appointed by the President under section 24302(a) of title 49, United States Code, as amended by subsection (a), have qualified for office.

#### SEC. 310. INDEPENDENT AUDIT OF AMTRAK OPERATIONS; REVIEW BY DOT IG.

(a) IN GENERAL.—Amtrak shall employ an independent financial consultant—

(1) to assess its financial accounting and reporting system;

(2) to design and assist Amtrak in implementing a modern financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business activity; and

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REVIEW OF FINANCIAL STATUS AND FUNDING REQUIREMENTS BY DOT INSPECTOR GENERAL.—The Inspector General of the Department of Transportation shall, as part of the Department's annual assessment of Amtrak's financial status and capital funding requirements review the obligation and expenditure of funds under each such funding document, procedure, or arrangement to ensure that the expenditure and obligation of those funds are consistent with the purposes for which they are provided under this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak \$2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

#### TITLE IV—MISCELLANEOUS

##### SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

"(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and"

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "Secretary may provide direct loans and loan guarantees to State and local governments," in subsection (a) and inserting "Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt).";

(2) by striking "or" in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

"(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or"

(c) EXTENT OF AUTHORITY.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking "\$3,500,000,000" and inserting "\$35,000,000,000";

(2) by striking "\$1,000,000,000" and inserting "\$7,000,000,000"; and

(3) by adding at the end the following new sentence: "The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee."

(d) COHORTS OF LOANS.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

"(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and"; and

(2) by adding at the end of paragraph (4) the following: "A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee."

(e) CONDITIONS OF ASSISTANCE.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking "offered;" in subsection (f)(2)(A) and inserting "offered, if any;" and

(2) by adding at the end of subsection (h) the following: "The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source. The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(b) and (c) of title 49, United States Code, to their projects."

(f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following:

"(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application."

(g) FEES AND CHARGES.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: "Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such appraisals, determinations, and findings were incurred."; and

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

"(l) FEES AND CHARGES.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502."

(h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation website the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

(i) OPERATORS AND SERVICE PROVIDERS DEEMED RAIL CARRIERS.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as amended by subsection (f), is amended by adding at the end the following:

"(j) OPERATORS AND CERTAIN SERVICE PROVIDERS DEEMED RAIL CARRIERS.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance, or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV of title 49, United States Code, when so operating or performing such services."

#### SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 249 is amended by adding at the end the following:

**“§ 24910. Passenger rail cooperative research program**

“(a) IN GENERAL.—The Secretary shall establish and carry out a rail passenger cooperative research program. The program shall—

“(1) address, among other matters, intercity rail passenger services, including existing rail passenger technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

“(2) give consideration to research on commuter rail, regional rail, freight rail, and other modes of rail transportation that may affect rail passenger transportation due to the interconnectedness of the rail passenger network with other rail transportation services; and

“(3) give consideration to regional concerns regarding rail passenger transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

“(b) CONTENTS.—The program to be carried out under this section shall include research designed—

“(1) to develop more accurate models for evaluating the indirect effects of rail passenger service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

“(2) to develop a better understanding of modal choice as it affects rail passenger transportation, including development of better models to predict ridership;

“(3) to recommend priorities for technology demonstration and development;

“(4) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

“(5) to explore improvements in management, financing, and institutional structures;

“(6) to address rail capacity constraints that affect passenger rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on freight and commuter rail operations; and

“(7) to improve maintenance, operations, customer service, or other aspects of existing intercity rail passenger service existing in 2002.

“(c) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger transportation.

“(2) MEMBERSHIP.—The advisory board shall include—

“(A) representatives of State transportation agencies;

“(B) transportation and environmental economists, scientists, and engineers; and

“(C) representatives of Amtrak, the Alaska Railroad, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

“(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

“24910. Passenger rail cooperative research program”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$5,000,000 for fiscal year 2003, and each fiscal year thereafter, to carry out section 24910(d) of title 49, United States Code.

**SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 REFLECTING ICC TERMINATION ACT.**

(a) SECTION 307.—

(1) Section 307 is amended—

(A) by striking “Interstate Commerce Commission” in the section heading and inserting “Surface Transportation Board”;

(B) by striking “Interstate Commerce Commission” in subsection (a) and inserting “Surface Transportation Board”; and

(C) by striking “Commission” each place it appears and inserting “Board”.

(2) The chapter analysis for chapter 3 is amended by striking the item relating to section 307 and inserting the following:

“307. Safety information and intervention in Surface Transportation Board proceedings”.

(b) SECTION 333.—Section 333 is amended—

(1) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and

(2) by striking “Commission” in subsection (c) and inserting “Board”.

(c) SECTION 351.—Section 351(c) is amended by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”.

(d) SECTION 24307.—Section 24307(b)(3) is amended by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”.

(e) SECTION 24308.—Section 24308 is amended—

(1) by striking “Interstate Commerce Commission” in subsection (a)(2)(A) and inserting “Surface Transportation Board”; and

(2) by striking “Commission” each place it appears in subsection (a) and (b) and inserting “Board”.

(f) SECTION 24311.—Section 24311 is amended—

(1) by striking “Interstate Commerce Commission” in subsection (c)(1) and inserting “Surface Transportation Board”; and

(2) by striking “Commission” each place it appears in subsection (c) and inserting “Board”.

(g) SECTION 24902.—Section 24902 is amended—

(1) by striking “Interstate Commerce Commission” in subsections (g)(2) and (g)(3) and inserting “Surface Transportation Board”; and

(2) by striking “Commission” each place it appears in subsections (g)(2) and (g)(3) and inserting “Board”.

(h) SECTION 24904.—Section 24904 is amended—

(1) by striking “Interstate Commerce Commission” in subsection (c)(2) and inserting “Surface Transportation Board”; and

(2) by striking “Commission” each place it appears in subsection (c) and inserting “Board”.

**SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPERTY.**

Section 601(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting “(1)” after “(b)”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

“(2)(A) The State-owned railroad may convey all right, title, and interest of the State in any land within the right-of-way to a third party in exchange for other land that, in substitution for the land conveyed, is to be utilized as part of the right-of-way if the continuity of the right-of-way corridor for transportation, communications, and transmission purposes is provided by such use of the substituted land.

“(B) The provisions of this section that require reversion shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land had been rail properties of the Alaska Railroad as of January 13, 1983.

“(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.”.

**NATIONAL DEFENSE RAIL ACT**

One-time FY 2003 authorization for Security Funds: \$1.26 billion.

Total funds authorized annually for FY 2003 through FY 2007: \$4.61 billion.

**SECURITY PROVISIONS (\$1.26 B IN FY 2003)**

\$360M for Amtrak security needs, evenly divided between the Northeast Corridor and Non-Northeast Corridor.

\$5M for DOT to perform a security assessment of all rail, including freight needs.

\$895M for life safety upgrades to tunnels in NY, Balt, DC.

\$3M for preliminary design work for the Baltimore tunnels.

**FEDERAL HIGH SPEED CORRIDOR DEVELOPMENT (\$1.55 B ANNUALLY)**

\$25M to DOT for Research and Development Activities.

\$25M to DOT for Planning.

\$1.5B to DOT for Implementation/Construction.

Must be a designated corridor to receive funding. The Northeast Corridor is designated, but not eligible to receive funds under this program if receiving other federal funds.

**NORTHEAST CORRIDOR (NEC) (\$1.310 B ANNUALLY)**

Requires any operating profit on the NEC to be reinvested in NEC infrastructure.

\$720M for infrastructure.

\$100M for fleet.

\$70M for stations/facilities.

\$20M for technology upgrades.

\$400M for growth (annual average).

**COOPERATIVE RESEARCH PROGRAM (\$5 M ANNUALLY)**

Establishes R & D program at National Academy of Sciences similar to highway and transit cooperative research programs.

**NATIONAL RAILROAD PASSENGER CORPORATION (500 M ANNUALLY)**

Requires profits from non-passenger activities to be invested in growth activities outside the NEC.

\$160M (est.) for mandatory excess Railroad Retirement Payments.

\$267M for debt payments (avg.).

\$30M for environmental compliance.

\$43M for ADA compliance.

\$2.5M for onetime external assessment of Amtrak cost accounting.

**LONG-DISTANCE TRAINS (\$580 M ANNUALLY)**

\$360M for operating.

\$120M for fleet.

\$80M for infrastructure.

\$10M for stations/facilities.

\$10M for technology.

**SHORT DISTANCE & STATE-SUPPORTED ROUTES (\$270 M ANNUALLY)**

\$190M annually for infrastructure.

\$50M annually for fleet.  
 \$10M annually for stations.  
 \$20M annually for technology.

RAIL PROJECT FINANCING (\$350 M ANNUALLY)

Expansion of the DOT's Railroad Rehabilitation and Improvement Financing Program.

\$35B authorization for DOT to provide loans and loan guarantees (annual estimated 10% credit risk premium).

Mr. BIDEN. Madam President, as my good friend Senator HOLLINGS has just stated, we are on the brink of a very important decision. Do we continue to underfund a national passenger rail system? Or do we finally stand behind the system, committing to it once and for all?

I agree with my good friend, the chairman of the Commerce Committee, and that's why I joined him in introducing this important bill. For 30 years, I have witnessed Congress dangling a carrot in front of Amtrak's eyes, funding it just enough for it to limp along. And I'll tell you, this has to stop. Now is the time to commit politically and financially to a strong, safe, and efficient passenger rail system. And now is the time to determine once and for all, what exactly it is that we want out of passenger rail service in the country. Should this be a truly national system? And should we devote the resources necessary to maintain and expand this networks?

Senator HOLLINGS and the rest of my colleagues know that I support funding the highway and aviation networks, our Nation has relied upon them for years, and they have served us well. But I look around today and I see crowded skies and congested roads. At the very same time, I see empty rails, with the potential to relieve this transportation burden and serve as a useful alternative for Americans.

As Senator HOLLINGS discussed just now, the events of September 11 further demonstrated, in stark and rigid terms, the necessity of transportation choices. For years I have argued that we need to sit down together and begin an honest and frank discussion in order to create a blueprint for the future of passenger rail.

And, let me tell you this, this bill that I am introducing with Senator HOLLINGS is a good, solid start. Instead of maintaining the status quo, the bill offers a vision and a set of priorities for the future of passenger rail in this country. It says: we need to make sure this system is safe, as September 11 demonstrated it must be. It says: we need to seriously invest in the future of this system, which is high-speed rail. And it says: the Federal Government will need to adequately fund a national passenger rail network, no matter how the system is structured.

And that is something that has always mystified me. When it comes to other forms of transportation, highways and airplanes, we have given them all they ask for, consistently providing full Federal backing. Since 1971, in fact, we have given \$750 billion to highways and aviation. In the same pe-

riod of time, since the birth of Amtrak, we have only given \$25 billion to our national passenger rail system. That's only 3 percent of all transportation funding in that period. That is appalling.

If we want a national passenger rail system, and most Americans do, as all the polls indicate, then we are going to have to pay for it, and understand the long-term commitment it takes to get this kind of system up and running. Passenger rail in this country has never had a stable funding source instead, it has been subjected to the whims and follies of the political process, and it has lost this battle time and time again.

Every single industrialized country, France, Japan, Germany, subsidizes a national rail system. For years, we have been living in a fantasy - that somehow, we can have our cake and eat it too: that we could mandate Amtrak to be self-sufficient without giving it nearly enough money to do so. But Amtrak cannot run a national rail network, without adequate levels of Federal investment, and still be expected to be commercially self-sufficient. That is just not rational.

There are two steps, then, in ensuring the future of passenger rail. Short-term, we have got to make sure that we do not allow Amtrak to go bankrupt, or worse, mortgage off their future in a desperate attempt to stay afloat. That is why, alongside many of my colleagues, I have pushed for the full \$1.2 billion appropriations amount that Amtrak has requested for next year. This bare-bones minimum will give them the ability to maintain the current state of passenger rail, nothing more, nothing less.

And in the long-term, we need a new vision for the future of national passenger rail so these one-time, bare-bones funding requests are no longer an issue. This bill represents just such a vision. It would invest seriously in the planning and implementation of high-speed rail corridors, which provides the most bang for the buck and which almost every State Governor, Democrat or Republican, has been clamoring for for years. It would provide money for debt payments, which Amtrak has incurred as a direct result of Federal underfunding. It would authorize capital investment funds, to begin to correct the \$5.8 billion capital backlog Amtrak faces today. And it would fund operating costs for the long-distance trains that provide essential service to rural areas of the country.

Moreover, it would address the serious security concerns that plague our rail system today. I stood up here months ago, right after one of the worst events in our Nation's history. I stood up here in order to call attention to what I thought, and continue to think, is a dire situation. And that is this matter of rail security. The events of September 11 dramatically and starkly revealed how essential it is that the United States have a national,

effective, and secure railroad passenger system. It also exposed how vulnerable that system is right now to terrorist attacks. I have traveled through the train tunnels that Amtrak uses, and let me tell you, these tunnels are just plain frightening, poor ventilation, poor lighting, inadequate evacuation routes.

This reauthorization bill would help the system deal with these tunnels and other gaps in our passenger rail security. A one-time investment of \$1.4 billion would provide security fencing, closed circuit television, tunnel rehabilitation, increased security inspections, essential security-related improvements. The Department of Transportation itself has warned several times in the last few years about the necessity of quickly and fully funding Amtrak's security needs. \$1.4 billion is a small price to pay to avoid a repeat of September 11.

Finally, this bill would bring a greater level of accountability to the whole structure. As Senator HOLLINGS indicated, the \$1.55 billion in funds for high-speed corridor planning and implementation would be run through the Department of Transportation, so that the Federal Government can work together with state and local agencies in promoting the future of our rail system.

This bill, together with the \$1.2 billion appropriations for next year, will bring us closer to the type of passenger rail system that our Nation deserves and needs. As my good friend Senator HOLLINGS alluded to, 50 years ago, our leaders had the vision and foresight to stand up and say, we need an interstate highway system, and we need to fund it appropriately. Let us today go forward with this blueprint in hand and create a similar network for passenger rail.

By Mrs. CARNAHAN:

S. 1993. A bill to authorize a military construction project for the construction of a Weapons of Mass Destruction Responder Training Facility at Fort Leonard Wood Missouri; to the Committee on Armed Services.

Mrs. CARNAHAN. Madam President, I rise today to introduce important legislation for homeland defense, the Weapons of Mass Destruction Responder Training Facility Act of 2002. America's war against international terrorism has increased the need to prepare against the threat of weapons of mass destruction, known as WMDs.

Currently the Army's frontline of defense against WMD threats, Fort Leonard Wood, does not have the ability to conduct full-scale, joint training year round. This preparation gap must be closed. Our national security depends on the ability to effectively respond to a WMD attack. That is why I have introduced legislation to create a permanent training facility at Fort Leonard Wood.

Fort Leonard Wood has no dedicated facility for training active duty and National Guard WMD responders. This prevents both joint training and the expansion of coordination among all WMD responders.

Last October, we in this body learned first hand the importance of a coordinated response to WMD attacks. When letters, filled with anthrax, were mailed to members of Congress, 50 of our colleagues in the Senate and their staffs were evicted from the Hart office building for over three months. Experts from several agencies and departments, who never prepared together to respond to a WMD attack, worked to overcome setbacks and difficulties to make sure the Hart building was safe again. I thank them for all their hard work. But we now know that to prepare for future threats, those responsible for responding to WMD attacks must train together.

Constructing of a permanent facility will enable joint training and cooperation of WMD Civil Support Teams; Department of Defense Emergency Responders; Chemical, Biological, Radiological and Nuclear Instillation Support Teams; and Active and Reserve Component Chemical Units. The need to conduct joint operations and training year round is important and immediate. It is vital to national security. This is why the Army has placed the highest priority on building a permanent facility at Fort Leonard Wood.

This legislation will compliment S. 1909, which was introduced by my friend and colleague from Missouri. Senator BOND's legislation calls for the establishment of a unified command for homeland defense, a post both the President and the Secretary of Defense support.

S. 1909 will allow the Department of Defense to more effectively manage homeland defense resources by centrally locating the unified command within the United States, away from a major population center at an Armed Forces facility already in use for WMD training.

Fort Leonard Wood meets all of these requirements and seems like an ideal candidate to fulfill this new and important national security role. But Fort Leonard Wood is not yet ready. While it has taken the lead in preparing WMD responders, there is yet another step to take. We must ensure that the country is prepared for future attacks by establishing a permanent training facility now.

By Mr. KERRY (for himself and Mr. BOND):

S. 1994. A bill to establish a priority preference among certain small business concerns for purposes of Federal contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Madam President, today I am introducing legislation to help our nation's 8(a) Business Development, BD, and HUBZone firms compete

more effectively in the Federal marketplace.

This bipartisan legislation, cosponsored by Senator KIT BOND, stems from a 1997 commitment Senator BOND and I made to each other to seek equality between the Small Business Administration's, SBA, 8(a)BD program and the HUBZone program.

Much has been made lately of the SBA's proposed rule to establish "parity" or equality between these two important programs. Some in the contracting community have opposed the proposed rule because they have concerns about the decline in the number of contracts and contract dollar values being awarded to 8(a)BD firms. I share the concerns of the contracting community in this regard, but I do not blame the HUBZone program for this decline. Rather, I blame the current procurement environment.

In 1997, working with then-Chairman of the Senate Committee on Small Business, Senator BOND, I took the necessary steps to protect the 8(a)BD program. In my negotiations with Senator BOND, he agreed to change the legislation creating the HUBZone program from one of HUBZone priority to one of equality between the 8(a)BD and HUBZone programs. Further, we negotiated a 3 percent increase in the Federal Government's small business goal, raising it from 20 percent to 23 percent, in order to accommodate the HUBZone program, which when fully phased in for Fiscal Year 2003 will have a 3 percent governmentwide goal. This increase was put in place specifically to accommodate the HUBZone program and ensure that 8(a)BD firms did not lose Federal contracts to the HUBZone program.

The fact remains, however, despite these protections, that 8(a)BD firms are experiencing a decline in Federal procurement, which some place as high as 34 percent since 1997. The cause of this decline has its roots in the new procurement environment created by the reforms in the mid-1990s, such as passage of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act, the regulatory changes to procurement programs in response to the *Adarand Inc. v. Peña* decision, and reductions in the acquisition workforce. Because negative trends hit minority-owned firms first and hardest, these small businesses have borne a disproportionate share of the percentage decline in Federal contract dollars being awarded to small businesses.

To help combat the negative effects of procurement reform, I have been taking a very close look at the SBA's programs to assist small businesses, especially small businesses owned by socially and economically disadvantaged individuals. The legislation being introduced today is the first step in halting and reversing the decline brought about by procurement reform.

This legislation specifically addresses two critical areas of the 8(a)BD and

HUBZone programs. The first deals with the relationship between the two programs when a small business has received both an 8(a)BD and a HUBZone certification, the second deals with the sole-source threshold issue for these firms.

First, an important factor in my decision to support the HUBZone legislation with the negotiated changes to protect the 8(a)BD program was the concept known as "super-priority" or "priority-preference." The priority-preference stems from Congressional intent that firms that are both 8(a)BD and HUBZone certified receive a preference over a firm that has a certification in only one program. In addition, the priority-preference was intended to allow these firms to combine the price evaluation preference available to them under each program, with the understanding that any offeror would still need to meet a "responsiveness" test in terms of their offer. Unfortunately, the new rule proposed by the SBA does not include the priority-preference, and the SBA has issued guidance that states that the priority-preference has no statutory provision to support its creation.

Although I strongly disagree with the SBA's decision to end the priority-preference, this legislation will rectify the situation by creating a statutory priority-preference for firms that have both an 8(a)BD and a HUBZone certification. Such a provision will help combine the benefits of each program and bring additional jobs and opportunities to underdeveloped areas. I view this provision as a win-win for the 8(a)BD and HUBZone contracting communities.

Second, this legislation makes an important update to both the 8(a)BD and HUBZone programs by raising the sole-source thresholds. One of the most important attributes of both of these programs is the authority for small businesses to receive contracts on a sole-source basis. This excellent benefit is limited, however, by a cap on the dollar amount for sole-source contracts. Currently, contracts for goods and services are limited to \$3 million, while manufacturing contracts are limited to \$5 million. This legislation updates those limits by \$1 million for each category—an update that has been needed for some time and that Senator BOND and I nearly succeeded in including in the Small Business Reauthorization Act of 2000. By increasing the sole-source thresholds, the Federal government will immediately put more contract dollars into the hands of 8(a)BD and HUBZone firms.

As I mentioned earlier in my statement, this legislation is merely one step in the process to help reverse the negative trends procurement reform has had on our nation's small businesses.

It is my hope that we can move this legislation through the Senate quickly, and I would urge all of my colleagues to lend their support.

Mr. BOND. Mr. President, I appreciate the opportunity to come to the Floor once again on another bipartisan matter with the distinguished chairman of the Small Business Committee. We have such a constructive working relationship in the Federal procurement issue area, and I always welcome the opportunity to work with the Senator from Massachusetts, Mr. KERRY, to advance small business participation in Government contracting.

This bill we are introducing today will further clarify the relationship between the HUBZone and 8(a) contracting programs. This relationship has been a strongly debated topic lately, although we thought our Committee provided clear guidance on the matter in the 1997 HUBZone Act. In the matter before us, we are clarifying what happens when firms are eligible for both programs and become certified.

The original Small Business Administration regulations on the HUBZone program called for the highest contracting priority to be given to HUBZone 8(a) "dual status" firms. That is, if a firm has been certified in both programs, it moves to the head of the class in getting Government contracts. The HUBZone regulations said that, in a HUBZone set-aside, an 8(a) firm should win over non-8(a) firms. Unfortunately, a comparable change was not included in the 8(a) regulations, to give HUBZone firms a preference in 8(a) set-asides. In a letter to SBA's Acting General Counsel last year, I asked SBA to resolve this inconsistency.

Robert Gangwere, the Acting General Counsel, stated he did not think SBA had the statutory authority to grant a "superpreference" to HUBZone 8(a) dual status firms. Currently, SBA has a proposed rulemaking in progress that deletes the "superpreference" language.

This bill would restore that. In a HUBZone set-aside (a competition restricted only to firms that are HUBZone firms), an 8(a) bidder would have priority over non-8(a) HUBZone bidders. A comparable change would be made in the 8(a) set-aside, giving HUBZone firms priority. I think this is reasonable, in that it encourages firms to take advantage of both programs.

I do have one reservation with this bill. Both the HUBZone program and the Small Disadvantaged Business program, of which 8(a) is a part, offer a 10 percent price evaluation preference under certain circumstances in full-and-open competition. The old SBA rules called for HUBZone 8(a) combined firms to get a 20 percent price evaluation preference, combining both the HUBZone preference and the Small Disadvantaged Business preference. I think 20 percent is excessive.

One of the goals of the small business program is to try to help small firms stabilize and develop, so they can survive in a competitive marketplace. Government contracts are supposed to

be a means toward that end. But if a firm requires a 20 percent preference to win a contract, it probably has not done what it needs to do to become efficient and ready for the competitive marketplace. I am concerned that a 20 percent preference will be an unreasonable subsidy for inefficient firms. If a small business bidder is not even able to get within 20 percent of the lowest bidder, it probably is not a viable enterprise, and subsidizing its existence is not the highest and best use of taxpayer monies.

With that reservation, I am happy to cosponsor this measure with the Senator from Massachusetts. I am confident we can come to some kind of accommodation on the price evaluation preference, and look forward to working with him to do so.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. DEWINE, and Mr. GREGG):

S. 1995. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Madam President, I rise today to introduce the Genetic Information Non-Discrimination in Health Insurance and Employment Act of 2002. I am joined in introducing this bill by Senators FRIST, JEFFORDS, ENZI, COLLINS, HAGEL, DEWINE, and GREGG.

The legislation I am introducing today is the culmination of several months work, though it is, in fact, the second part of an effort that started several years ago. Specifically, in April 1996, I introduced the Genetic Information Nondiscrimination in Health Insurance Act, legislation that was designed to protect people's genetic information and results of genetic testing, or requests for genetic testing, from being used against them by their health insurers. Back then, time was on our side as the completion of the Genome was years off.

However, four years later, in June 2000, everything changed with the announcement that the first working draft of the Human Genome was completed. And since that time, science has continued to hurry forward, further opening the door to early detection and medical intervention through the discovery and identification of specific genes linked to diseases like breast cancer, Huntington's Disease, glaucoma, colon cancer and cystic fibrosis.

Unfortunately, like so many other scientific breakthroughs in history, the completion of the Genome not only brought about the prospect for medical advances, such as improved detection and intervention, but also potential harm and abuse, as the knowledge of individual genetic information could be used against the very same person it is invented to help.

Accordingly, the need for protections against genetic discrimination by both

health insurers and employers is becoming more urgent everyday. If, because of concerns about the way the information could be used, people are unwilling to use the potential unlocked by the Genome project to take proactive steps to protect their health and that of their loved ones, then we will never reap the true benefits of this discovery.

While we cannot yet prevent diseases such as breast cancer, genetic testing makes it possible for carriers of these diseases to take extra precautions. In fact, early detection is the best weapon we have to combat many of these diseases we can now identify, and for breast cancer it is a critical component when one considers that almost 192,000 women were struck by the disease last year. Technological advances in screenings coupled with the ability to identify who carries the gene linked to breast cancer can help us in our efforts to reduce this number. The possibilities for this discovery are limited only by the willingness, or unwillingness, of people to use this knowledge.

In 1997, a woman from Maine brought the reality of this dilemma home for me when she wrote of her very real fear of the repercussions associated with genetic testing. Bonnie Lee Tucker has nine women in her immediate family who were diagnosed with breast cancer, and she herself is a survivor. She wrote to me about her fear of having the BRCA test for breast cancer, because she worries it will ruin her daughter's ability to obtain insurance in the future.

Bonnie Lee isn't the only one who has this fear. When the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer risk declined to take it citing concerns about health insurance discrimination. What good is scientific progress if it cannot be applied to those who would most benefit?

Dr. Francis Collins, the Director of the National Human Genome Research Institute, has testified before Congress about the next step for those involved in the Genome project. He explained that the project's scientists were engaged in a major endeavor to "uncover the connections between particular genes and particular diseases," to apply the knowledge they just unlocked. In order to do this, Dr. Collins said, "we need a vigorous research enterprise with the involvement of large numbers of individuals, so that we can draw more precise connections between a particular spelling of a gene and a particular outcome." However, this effort cannot be successful if people are afraid of possible repercussions of their participation in genetic testing.

The bottom line is that, given the advances in science, there are two separate issues at hand. The first is to restrict discrimination by health insurers and the second to prevent employment discrimination, based upon genetic information.



With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. As Congress debated what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information. And any legislation that seeks to fully address these issues must consider the interaction of the new protections with the newly promulgated privacy rule which was mandated by HIPAA, and our legislation does just that.

Now we must ensure that we protect genetic information, genetic tests, as well as information regarding a request for genetic testing, from being used by the insurer against the patient. Genetic information only detects the potential for a genetically linked disease or disorder, and potential does not equal a diagnosis of disease. However, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. It is the difference that we must recognize as we discuss legislation to protect patients from potential discriminatory practices by insurers.

Unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is new. And to that end, the legislation I introduce today creates these protections in the workplace. As demonstrated by the Burlington Northern case, the threat of employment discrimination is real and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

As we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law, for instance under the ADA or the EEOC.

The bill we introduce today creates new protections by paralleling current law. In addition it addresses changes in the law that have occurred since the original introduction of my bill and the other bills on this subject. The momentum to address this issue has finally reached a critical mass. Clearly this is an issue whose time has come.

It has been more than eighteen months since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it.

It's my sincere hope that the bipartisan legislation I introduce today is the beginning of the end of the debate in our effort to ensure that every one of us is just as protected from discrimination because of what is in our genes as we are from our heritages, our genders and our impairments.

Mr. FRIST. Madam President, I rise once again today to speak on the critical issue of genetic discrimination and to proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, ENZI, DEWINE, HAGEL, and GREGG in introducing the Genetic Information Nondiscrimination Act of 2002.

The threat of genetic discrimination, both in the workplace and with respect to health insurance coverage, is one of the most troublesome Congress faces. As our scientific knowledge has improved, the threat of discrimination has increased. As a physician, as a medical researcher, and ranking member of the Subcommittee on Public Health, I have a long and deep interest in this issue, and I believe we have a unique responsibility to ensure that medical and scientific progress does not result in individual harm.

For example, I am deeply troubled by reports of women declining genetic testing out of fear that they may lose their health insurance, even though a genetic test might reveal that a woman is not at high risk and therefore allow her to make more informed health care choices. When I first joined Senator SNOWE to introduce legislation banning genetic discrimination in health insurance in 1998, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination. If unchecked and unregulated, this fear of discrimination clearly has the potential to prevent individuals from participating in research studies or taking advantages of new genetic technologies to improve their medical care.

Scientific advances hold the promise of higher quality medical care, yet there is a pressing need for federal legislation to reassure the public that learning this information will not result in a loss of health insurance coverage or in the loss of a job. I am committed to a bipartisan legislative solution, and have worked extensively towards this goal with Senator SNOWE, JEFFORDS, and a number of the members of this Committee over the past several years. I believe that, together, we have made an important step in addressing this through the Genetic Information Nondiscrimination in Health Insurance Act, which has been passed by the Senate on three separate occasions.

Today, we are building on that work, and on the solid foundations established in law by the Civil Rights Act, Americans with Disabilities Act, and Health Insurance Portability and Accountability Act. The Genetic Information Nondiscrimination Act of 2002 builds upon our progress in the health

insurance area and expands our previous legislation to address the threat of employment discrimination and health insurance based on genetic information. Moreover, the bill incorporates the most recent scientific understandings in the field of genetics research in establishing protections and defining relevant terms.

I believe that it is incumbent upon us to pass legislation this year that is comprehensive, consistent, reasonable and fair. I am troubled by some legislative approaches that would place these new protections outside of the established framework of our time-tested civil rights laws and that would establish separate protections against genetic discrimination than exist for other types of discrimination. The bill today meets that standard of providing strong protections that are consistent with the current state of scientific knowledge, as well as current law.

I commend my colleagues for their commitment to this issue. I also commend President Bush for his commitment to ensuring strong protections against genetic discrimination and for calling attention to this critical matter. Through this important legislation, we have the opportunity to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 217—RELATIVE TO THE DEATH OF THE HONORABLE HOWARD W. CANNON, FORMERLY A SENATOR FROM THE STATE OF NEVADA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. REID, and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 217

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2980. Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2981. Mr. MILLER submitted an amendment intended to be proposed to amendment