

to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra.

SA 3788. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3789. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3790. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3791. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3792. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3624 proposed by Mr. WELLSTONE to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3793. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3794. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3795. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3796. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3797. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3646 submitted by Mr. MCCAIN and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3798. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3799. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3800. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3801. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3802. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3803. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3804. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3805. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3806. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3767. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$500,000,000, to remain available until expended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than \$100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3768. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$500,000,000, to remain available until ex-

ended: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than \$100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3769. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than \$100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government

agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3770. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$500,000,000, to remain available until March 31, 2003: *Provided*, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, shall make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund, except that such contribution shall be not less than \$100,000,000: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SA 3771. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. 503. Section 1 of Public Law 105-204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking "until the date" and all that follows and inserting "until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract."; and

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

"(c) CONTRACTING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

"(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE-RP05-010R22717 ('Acquisition of Facilities and Services for Depleted Uranium Hexafluoride (DUF6) Conversion Project') were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

"(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

"(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

"(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

"(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the awardee to modify the contract awarded under paragraph (1) to—

"(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

"(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K-25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

"(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

"(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

"(d) RIGHT OF ACTION FOR FAILURE TO COMPLY.—Any aggrieved person or entity may bring a civil action in United States district court for an injunction compelling the Secretary of Energy to comply with this section.

"(e) FUNDING.—

"(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section."

SA 3772. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3552 submitted by Mr. Baucus and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this title \$50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971

(36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 06. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

SA 3773. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY AGRICULTURAL ASSISTANCE

Subtitle A—Assistance

SEC. 01. INCOME LOSS ASSISTANCE.

(a) MANDATORY FUNDING.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use \$1,552,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.

(a) MANDATORY FUNDING.—The Secretary shall use \$300,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

SEC. 03. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

SEC. 04. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle \$50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 05. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle B—Offsets

SEC. 11. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsection (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by \$600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(4) COST-OF-LIVING-ADJUSTMENT.—

"(A) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2002, the \$600,000 amount under paragraph (3) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar

year, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING RULES.—If any amount after adjustment under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to the following:

“(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

“(B) FOREIGN PENSION PLANS.—

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

“(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed \$500,000.

“(3) SPECIFIED PROPERTY.—Any property or interest in property not described in paragraph (1) or (2) which the Secretary specifies in regulations.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual’s United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or

(4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen’s certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES’ INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual’s share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for

such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary’s interest in a trust is the amount of gain which would be allocable to such beneficiary’s vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULE.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(3) DETERMINATION OF BENEFICIARIES’ INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

“CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

“Sec. 2801. Imposition of tax.

“SEC. 2801. IMPOSITION OF TAX.

“(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

“(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

“(2) the value of such covered gift or bequest.

“(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

“(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed the amount determined under section 2503(b)(2).

“(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

“(e) COVERED GIFT OR BEQUEST.—

(1) IN GENERAL.—For purposes of this chapter, the term ‘covered gift or bequest’ means—

“(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was a covered expatriate, and

“(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was a covered expatriate.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

“(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

“(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

“(3) TRANSFERS IN TRUST.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust (as determined under section 877A(f)(3)).

“(f) COVERED EXPATRIATE.—For purposes of this section, the term ‘covered expatriate’ has the meaning given to such term by section 877A(c).”

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

“Chapter 15. Gifts and bequests from expatriates.”

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is determined by the Attorney General, after consultation with the Secretary of the Treasury, not to be in compliance with sections 877A and 2801 of such Code (relating to expatriation).”

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(i) (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by adding at the end the following new paragraph:

“(8) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Except as provided in paragraph (6), upon written request of the Attorney General, the return of an individual or return information with respect to such individual shall be open to inspection by, or disclosure to, officers and employees of the Federal agency responsible for making a determination under section 212(a)(10)(E) of the Immigration and Nationality Act for the purpose of, and to the extent necessary in, making such determination with respect to such individual.”

(B) CONFORMING AMENDMENT.—Section 6103(i)(6) (relating to confidential informants; impairment of investigations) is amended by striking “(5), or (7)” and inserting “(5), (7), or (8)”. ”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of first passage by the Senate of legislation adding section 877A to this title.”

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate to whom section 877A applies.”

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(F) APPLICATION.—This paragraph shall not apply to any expatriate to whom section 877A applies.”

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting “or 877A” after “section 877”.

(B) The second sentence of section 6039G(e) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “877(a)”. ”

(C) Section 6039G(f) is amended by inserting “or 877A(e)(2)(B)” after “877(e)(1)”. ”

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the first passage by the Senate of this section.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the first passage by the Senate of this section from an individual or the estate of an individual whose expatriation date (as so defined) occurs on or after such date.

SEC. 12. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

“(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

“(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

“(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003; and

“(ii) at least 50 percent of all such determinations that are made in fiscal year 2004 or thereafter.

“(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to

the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.”.

SA 3774. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“(15) the provision specifying \$500,000 for the Prairie Lakes Education Cooperative in Madison, SD to advance distance learning for Native Americans in BIA and tribal schools shall be deemed to read as follows: ‘Sisseton-Wahpeton School Board in Agency Village, SD to advance distance learning for Native American students, \$500,000’.”.

SA 3775. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning on line 2, strike “under this chapter for the Defense Emergency Response Fund” and insert “under title II of Public Law 107–117 under the heading ‘ARMY NATIONAL GUARD, OPERATION AND MAINTENANCE’”.

SA 3776. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3777. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985, as amended.

SA 3778. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3779. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3780. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3781. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3782. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3783. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3784. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3785. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, "WATER AND RELATED RESOURCES" for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, \$4,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3786. Mr. LEAHY (for himself and Mr. INOUE) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBAC, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill add the following:

SEC. 2015. EXPIRATION OF AUTHORITY.

This title shall cease to be effective at the end of September 30, 2002.

SA 3787. Mr. DODD (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBAC, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SEC. 2016. This title shall cease to be effective at the end of September 30, 2002.

SA 3788. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBAC, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) making supplemental appropriations

for the fiscal year ending September 30, 2002, and for other purposes which was ordered to lie on the table; as follows:

At the appropriate place in the bill add the following:

SEC. 2015. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic and the other foreign nationals accused of genocide, war crimes or crimes against humanity.

SA 3789. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 775, making supplemental appropriations for the fiscal year ending September 30 2002, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place in the Bill insert the following: "Notwithstanding any other provision of this Bill, For an additional amount for "Operation and Maintenance, General", \$32,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers is directed to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers due to flooding in eastern Kentucky, Illinois, the western Upper Peninsula of the State of Michigan, Missouri, southern West Virginia, and southwestern Virginia."

SA 3790. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 210. Of the amounts appropriated in Public Law 107-77, under the heading "Dept. of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", \$500,000 shall be for the cost of a reduction loan of \$50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SA 3791. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . CONTAMINATED SEAFOOD.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

"(b) CONTAMINATED SEAFOOD.—

"(1) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter if it appears that shipments of such seafood are likely to be adulterated with 1 or more substances listed in section 530.41(a) of title 21, Code of Federal Regulations. The Secretary may consider—

"(A) the detection of such substances by the Secretary;

"(B) the detection of such substances by a person commissioned to carry out examinations and investigations under section 702(a) of this Act;

"(C) findings from an inspection under §704;

"(D) the detection by other importing countries of such substances in shipments of seafood that originate from such country or exporter; or (E) other evidence or information as determined by the Secretary

"(2) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if the exporter or importer presents evidence acceptable to the Secretary that a shipment does not contain a compound listed in section 530.41(a) of title 21, Code of Federal Regulations.

"(3) CANCELLATION OF ORDER.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter if—

"(A) the country or exporter has shown to the satisfaction of the Secretary that the substance at issue is no longer sold for use, in being used in, or being used in a manner that could contaminate food-producing animals in the country in which the seafood originated; or

"(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a drug.

(b) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection (a), is amended by—

(1) striking "subsection (b)" in subsection (a) and inserting "subsection (c)";

(2) striking "subsection (b)" in subsection (d) and inserting "subsection (c)";

(3) striking "subsection (e)" in subsection (g)(1) and inserting "subsection (f)";

(4) striking "section 801(a)" in subsection (h)(1)(A)(i) and inserting "subsection (a) of this section";

(5) striking "section 801(a)" in subsection (h)(1)(A)(ii) and inserting "subsection (a) of this section"; and

(6) striking "section 801(d)(1);" in subsection (h)(1)(A)(iii) and inserting "subsection (d)(1) of this section;"

SA 3792. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3624 proposed by Mr. WELLSTONE to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amendment number 3624 is amended by striking the text and inserting the following on page 7, after line 12:

"SEC. . Whereas the 40 million people living with HIV/AIDS, nearly 2.7 million are

children under 15, and 11.8 million are young people aged 15–24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 percent chance of becoming infected;

Whereas targeted provision of dairy products for HIV/AIDS mitigation provides an economical and efficient means to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals;

Whereas good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission;

Whereas in the diets of young children, growing adolescents and pregnant women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children.

Whereas it is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector.

Whereas the United States has more than one billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching \$1 billion, and storage costs are \$1.5 million per month and growing;

Whereas this huge amount of milk overhangs U.S. and world markets and deteriorates rapidly, going out of condition in about three years when it must be sold for a salvage value of a few cents per pound;

The impacts of breast-feeding on MTCT remain controversial and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe;

Whereas there is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should—

(A) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic.

(B) allow for the monetization of surplus non-fat dry milk to help fund market assessments, program costs, strengthen local dairy processing industries, support home care, provide for in-country fortification and carry out general nutritional campaigns to increase the local markets for dairy products as well as income-generating jobs in communities affected by HIV/AIDS.

(C) Make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, for accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture, and for expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses.

(D) Give careful consideration to the local market conditions before dairy products are donated or monetized into a local economy, so as not to undermine the security and sta-

bility of the indigenous dairy production and processing sector.

(E) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

SA 3793. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, insert the following:

SEC. 210. Section 286(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3)) is amended by inserting before the period at the end “, or international ferries that operate between the State of Alaska or the State of Washington and Canada.”.

SA 3794. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Where appropriate add the following:

(d) ASSISTANCE FOR LABRUSCA GRAPES.—

(1) IN GENERAL.—Of the funds made available in paragraph (a), not less than \$100,000,000 shall be used to make payments, as soon as practicable after the date of enactment of this Act, to producers of labrusca grapes for quantity, quality, or severe economic losses incurred for the 2001 and 2002 crops of labrusca grapes due to damaging weather and related conditions.

(2) PAYMENT QUANTITY.—The payment quantity of labrusca grapes for which the producers on a farm are eligible for payments under paragraph (d) shall be equal to the average quantity of the 1996 through 2000 crop of labrusca grapes produced by the producers on the farm, as determined by the Secretary of Agriculture.

(3) LIMITATIONS.—The Secretary of Agriculture shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this paragraph.

(4) APPLICABILITY.—This section applies only with respect to the 2002 and 2002 crops of labrusca grapes and producers of those crops.

SA 3795. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002, and for costs associated with detours during the reconstruction, \$12,000,000: *Provided*, That the entire amount necessary to carry out this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3796. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002, and for costs associated with detours during the reconstruction, \$12,000,000: *Provided*, That the entire amount necessary to carry out this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3797. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3646 submitted by Mr. MCCAIN and intended to be proposed to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

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.

Sec. 106. Offset for emergency supplemental appropriations.

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. Establishment of financial accounting system for Amtrak operations by independent auditor.
- Sec. 311. Development of 5-year financial plan.
- Sec. 312. Revised reporting methodology required.
- Sec. 313. Appropriated amounts to be spent proportionately.

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 over \$570 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 Accountability 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 \$2.8 billion of the \$5.3 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) \$39,714,000 for tunnel security, including closed circuit television cameras, lighting, and fencing, of which \$26,476,000 shall be obligated or expended on the Northeast Corridor and \$13,238,000 shall be obligated or expended outside the Northeast Corridor.

(2) \$176,568,000 for interlocking security needs, including closed circuit television cameras, lighting, and fencing, 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) \$17,030,000 for equipment facility security, including closed circuit television cameras and lighting, of which \$5,677,000 shall be obligated or expended on the Northeast Corridor and \$11,353,000 shall be obligated or expended outside the Northeast Corridor.

(4) \$29,280,000 for yard and terminal security, including closed circuit television cameras, lighting, and fencing, of which \$9,760,000 shall be obligated or expended on the Northeast Corridor and \$19,520,000 shall be obligated or expended outside the Northeast Corridor.

(5) \$3,779,000 for mail and express facilities security, including closed circuit television cameras, lighting, and fencing, 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.

(6) \$27,233,000 for station security, including closed circuit television cameras, x-ray machines, lighting, and fencing, of which \$7,104,000 shall be obligated or expended on the Northeast Corridor and \$20,129,000 shall be obligated or expended outside the Northeast Corridor.

(7) \$30,798,000 for bridge security, including closed circuit television cameras, lighting, and fencing, of which \$19,065,000 shall be obligated or expended on the Northeast Corridor and \$11,733,000 shall be obligated or expended outside the Northeast Corridor.

(8) \$420,000 for tower security, including closed circuit television cameras, lighting, and fencing, which shall be obligated or expended on the Northeast Corridor.

(9) \$29,451,000 for electric traction facilities security, including closed circuit television cameras, lighting, and fencing, of which \$23,650,000 shall be obligated or expended on the Northeast Corridor and \$5,801,000 shall be

obligated or expended outside the Northeast Corridor.

(10) \$11,112,000 for 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.

(11) \$212,000 for centralized electrification and traffic control security, including access control systems, monitoring and alarm systems, and technological protection for systems, which shall be obligated or expended on the Northeast Corridor.

(12) \$10,283,000 for primary and backup central monitoring technology centers, which shall be obligated or expended outside the Northeast Corridor.

(13) \$538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(14) \$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.

(15) \$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.

(16) \$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.

(17) \$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.

(18) \$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.

(19) \$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.

(20) \$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.

(21) \$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.

(22) \$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 15 are to be deployed outside the Northeast Corridor and 5 are to be deployed on the Northeast Corridor.

(5) \$30,761,000 for 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 50 percent is to be obligated or expended on the Northeast Corridor and 50 percent 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 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 lo-

comotive 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 Secretary 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) SECURITY NEEDS OF NON-AMTRAK STATIONS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the security and station improvements that may be needed on rail stations served by Amtrak that are not owned by Amtrak.

(2) REPORT.—The Secretary shall report, within 180 days after the date of enactment of this Act, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the results of the study, including—

(A) the total number of such stations;

(B) the estimated costs of the security and station improvements identified in the study; and

(C) any additional findings, conclusions, and recommendations, including legislative recommendations, the Secretary deems appropriate.

(e) 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.

SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

(a) FINDING.—The Congress finds that amounts were appropriated by the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Pub. Law 107-117) to be obligated or expended for Amtrak security-related activities.

(b) STATEMENT OF INTENT.—It is the intent of the Congress that the amounts appropriated by that Act for Amtrak security-related activities should offset the amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak’s use for security-related activities.

(c) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by this title to be appropriated to the Secretary of Transportation for the use of Amtrak for a security-related activity in any preceding section of this title for any fiscal year shall be reduced by any such appropriated amount used by Amtrak for that activity in that fiscal year.

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 permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

“(4) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—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, in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.”.

(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 DEEMED RAIL CARRIERS.—A person that conducts 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 26105(2)(A) is amended by striking “more than 125 miles per hour;” and inserting “90 miles per hour or more;”.

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

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 permit, but may not require, a 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, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—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, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.

“(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;

“(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; and

“(5) ensure that any project is compatible with, and operated in conformance with, plans developed pursuant to the requirements of sections 134 and 135 of title 23, United States Code.

“(d) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts 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.

“(e) DOMESTIC BUYING PREFERENCES.—

“(1) IN GENERAL.—In carrying out a project assisted under this section, a recipient shall buy only—

“(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

“(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

“(2) DE MINIMIS AMOUNT.—Paragraph (1) of this subsection applies only when the cost of those articles, material, or supplies bought is at least \$1,000,000.

“(3) EXEMPTIONS.—On application of a recipient, the Secretary of Transportation may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

“(A) the requirements of paragraph (1) of this subsection are inconsistent with the public interest;

“(B) the cost of imposing those requirements is unreasonable; or

“(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

“(4) UNITED STATES DEFINED.—In this subsection, the term ‘the United States’ means the States, territories, and possessions of the United States and the District of Columbia.”

(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) PROCEDURES FOR GRANT AWARD.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create procedures for the awarding of implementation assistance under this section. The Procedures shall include the execution of a full funding grant agreement between the applicant and the government.

(d) COMPETITIVE BIDDING ON HIGH-SPEED RAIL ROUTES.—The Secretary of Transportation shall determine that a State or group of States and other public agencies promoting a high-speed rail project under the provisions of section 26101A of title 49, United States Code, as a condition of receiving funding under such section, has provided for competitive bidding for the project in accordance with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 C.F.R. section 18.36). Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the States or groups of States and other public agencies, shall issue criteria for the services to which the competitive bidding by this section applies. A train operator selected under section 26101A of title 49, United States Code, is deemed to be a rail carrier for purposes of part A of subtitle 49, United States Code, when performing such services.

(e) 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) CURRENT EMPLOYEE PROTECTIONS.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees, employees of the National Passenger Railroad Corporation, and mass transportation employees as it existed on the day before the date of enactment of this Act.

(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.).

(3) 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 title 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).

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 2007.—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2007—

“(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 DE- FINED.

(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 segment 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”.

(c) AMTRAK TO CONTINUE TO PROVIDE NON HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

SEC. 302. AMTRAK AUTHORIZATIONS.

(a) 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).

(b) 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 each of fiscal years 2003 through 2007.

(c) 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.”.

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 each of fiscal years 2003 through 2007, 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 each of fiscal years 2003 through 2007, \$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.

(e) REINVESTMENT OF NET REVENUES FROM NON-PASSENGER OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad's working capital for use in satisfying systemwide current liabilities. When Amtrak's working capital has improved to the point at which Amtrak's liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

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 each of fiscal years 2003 through 2007, 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, communication, 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, such funds to remain available until expended.

(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

(3) obtain financial contributions or commitments from such other rail carriers if feasible.

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

(g) **REINVESTMENT OF NORTHEAST CORRIDOR NET OPERATING REVENUES.**—Amtrak shall invest any net revenue generated from core passenger operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements is completed under Amtrak's 20-year capital 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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, in-

cluding 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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, 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 board meetings by the Secretary's designee.

"(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.

"(e) **CONFLICTS OF INTEREST.**—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to members of the board of directors during their term of office in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code)."

"(b) **CONFORMING AMENDMENT TO APPLY SAME STANDARD TO OFFICERS.**—Section 24303(c) is amended to read as follows:

"(c) **CONFLICTS OF INTEREST.**—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to officers when employed by Amtrak in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code)."

"(c) **EFFECTIVE DATE FOR DIRECTORS' PROVISION.**—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. ESTABLISHMENT OF FINANCIAL ACCOUNTING SYSTEM FOR AMTRAK OPERATIONS BY INDEPENDENT AUDITOR.

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

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

(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 and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

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

(C) to provide ticketing and reservation information on a real-time basis.

(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) 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.

SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak board of directors shall submit an annual budget for Amtrak, and a 5-year financial plan for the fiscal year to which that budget relates and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as: the ability of the federal gov-

ernment to adequately meet capital and operating requirements, Amtrak's access to long-term and short-term capital markets, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service.

(7) lump sum expenditures of \$10 million or more and sources of funding.

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts; and

(10) a statement describing methods of estimation and significant assumptions.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b) with respect to a 5-year financial plan, Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

(2) use the categories specified in the financial accounting and reporting system developed under section 310 when preparing its 5-year financial plan.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.

Within 90 days after the date of enactment of this Act, Amtrak, in consultation with the Comptroller General, shall develop a revised methodology to be used in preparing the annual operations report required by section 24315(a) of title 49, United States Code, beginning with the report on operations for fiscal year 2002. The new report methodology shall specifically exclude non-core profits in calculating the performance of Amtrak's trains.

SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPORTIONATELY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak is less than the sum of the amounts authorized by this title for that fiscal year, then Amtrak shall—

(1) first obligate amounts appropriated pursuant to the authorization in section 303(a); and

(2) then allocate its obligation and expenditure of the remainder of the amounts appropriated for that fiscal year pursuant to this title (except amounts authorized by section 304(b), (c), and (d)) among the segments of the system in the same proportion as the authorizations were allocated among those segments by this title.

SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) INSPECTOR GENERAL TO HIRE CONSULTANT.—The Inspector General of the Department of Transportation shall—

(1) execute a contract to obtain the services of an independent auditor or consultant for the establishment of objective criteria for Amtrak service changes, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of existing services;

(2) review the criteria developed under the contract; and

(3) if the Inspector General approves the criteria, transmit them to the Amtrak board of directors.

(b) INCORPORATION OF CRITERIA BY AMTRAK.—The Amtrak board of directors shall incorporate the criteria in—

(1) its route and service planning and decision-making process; and

(2) its capital plans and budgets developed in compliance with section 311 of this Act.

(c) NOTIFICATION OF CONGRESS WHERE NOT COMPLYING WITH CRITERIA.—The Amtrak board of directors shall—

(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not less than 30 days before the implementation date of any decision to establish a new route, terminate an existing route, or effect any other major change in service that is inconsistent with the criteria incorporated under subsection (b); and

(2) explain its decision not to follow the criteria.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Inspector General, out of any amounts appropriated to Amtrak pursuant to the authority of this Act and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

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;”;

(2) by inserting “(1)” before “The Secretary” in subsection (h) and redesignating paragraphs (1), (2), and (3) of that subsection as subparagraphs (A), (B), and (C); and

(3) by adding at the end of subsection (h) the following:

“(2) The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral.

“(3) 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.

“(4) 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:

“(m) **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 DEEMED RAIL CARRIERS; LOANS AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.**—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 DEEMED RAIL CARRIERS.**—A person that conducts 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.

“(k) **LOAN AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.**—Notwithstanding any other provision of law, entities other than rail companies shall be eligible for loans and loan guarantees under this section.”.

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 each of fiscal years 2003 through 2007, 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”; and

(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 (e) 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 subsections (a), (b), and (e) 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 610(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting "(1)" after "DISCONTINUANCE.—";

(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."

SA 3798. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

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.

Sec. 106. Offset for emergency supplemental appropriations.

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.

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TITLE III—National Railroad Passenger Corporation

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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.

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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 over \$570 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 Accountability 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 \$2.8 billion of the \$5.3 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) \$39,714,000 for tunnel security, including closed circuit television cameras, lighting, and fencing, of which \$26,476,000 shall be obligated or expended on the Northeast Corridor and \$13,238,000 shall be obligated or expended outside the Northeast Corridor.

(2) \$176,568,000 for interlocking security needs, including closed circuit television cameras, lighting, and fencing, 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) \$17,030,000 for equipment facility security, including closed circuit television cameras and lighting, of which \$5,677,000 shall be obligated or expended on the Northeast Corridor and \$11,353,000 shall be obligated or expended outside the Northeast Corridor.

(4) \$29,280,000 for yard and terminal security, including closed circuit television cameras, lighting, and fencing, of which \$9,760,000 shall be obligated or expended on the Northeast Corridor and \$19,520,000 shall be obligated or expended outside the Northeast Corridor.

(5) \$3,779,000 for mail and express facilities security, including closed circuit television cameras, lighting, and fencing, 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.

(6) \$27,233,000 for station security, including closed circuit television cameras, x-ray machines, lighting, and fencing, of which \$7,104,000 shall be obligated or expended on the Northeast Corridor and \$20,129,000 shall be obligated or expended outside the Northeast Corridor.

(7) \$30,798,000 for bridge security, including closed circuit television cameras, lighting, and fencing, of which \$19,065,000 shall be obligated or expended on the Northeast Corridor and \$11,733,000 shall be obligated or expended outside the Northeast Corridor.

(8) \$420,000 for tower security, including closed circuit television cameras, lighting, and fencing, which shall be obligated or expended on the Northeast Corridor.

(9) \$29,451,000 for electric traction facilities security, including closed circuit television

cameras, lighting, and fencing, of which \$23,650,000 shall be obligated or expended on the Northeast Corridor and \$5,801,000 shall be obligated or expended outside the Northeast Corridor.

(10) \$11,112,000 for 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.

(11) \$212,000 for centralized electrification and traffic control security, including access control systems, monitoring and alarm systems, and technological protection for systems, which shall be obligated or expended on the Northeast Corridor.

(12) \$10,283,000 for primary and backup central monitoring technology centers, which shall be obligated or expended outside the Northeast Corridor.

(13) \$538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(14) \$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.

(15) \$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.

(16) \$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.

(17) \$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.

(18) \$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.

(19) \$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.

(20) \$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.

(21) \$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.

(22) \$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 15 are to be deployed outside the Northeast Corridor and 5 are to be deployed on the Northeast Corridor.

(5) \$30,761,000 for 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 50 percent is to be obligated or expended on the Northeast Corridor and 50 percent 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 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 communication 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 Secretary 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) SECURITY NEEDS OF NON-AMTRAK STATIONS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the security and station improvements that may be needed on rail stations served by Amtrak that are not owned by Amtrak.

(2) REPORT.—The Secretary shall report, within 180 days after the date of enactment of this Act, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the results of the study, including—

(A) the total number of such stations;

(B) the estimated costs of the security and station improvements identified in the study; and

(C) any additional findings, conclusions, and recommendations, including legislative recommendations, the Secretary deems appropriate.

(e) 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.

SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

(a) FINDING.—The Congress finds that amounts were appropriated by the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Pub. Law 107-117) to be obligated or expended for Amtrak security-related activities.

(b) STATEMENT OF INTENT.—It is the intent of the Congress that the amounts appropriated by that Act for Amtrak security-related activities should offset the amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak's use for security-related activities.

(c) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by this title to be appropriated to the Secretary of Transportation for the use of Amtrak for a security-related activity in any preceding section of this title for any fiscal year shall be reduced by any such appropriated amount used by Amtrak for that activity in that fiscal year.

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 permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

"(4) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—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, in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando Corridor in Florida."

(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 DEEMED RAIL CARRIERS.—A person that conducts 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 26105(2)(A) is amended by striking "more than 125 miles per hour;" and inserting "90 miles per hour or more;"

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

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 permit, but may not require, a 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, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—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, in the Portland, Oregon, area, and on the Orlando Corridor in Florida.

"(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;

"(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; and

"(5) ensure that any project is compatible with, and operated in conformance with, plans developed pursuant to the requirements of sections 134 and 135 of title 23, United States Code.

"(d) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts rail operations fund-

ed 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.

"(e) DOMESTIC BUYING PREFERENCES.—

"(1) IN GENERAL.—In carrying out a project assisted under this section, a recipient shall buy only—

"(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(2) DE MINIMIS AMOUNT.—Paragraph (1) of this subsection applies only when the cost of those articles, material, or supplies bought is at least \$1,000,000.

"(3) EXEMPTIONS.—On application of a recipient, the Secretary of Transportation may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) the requirements of paragraph (1) of this subsection are inconsistent with the public interest;

"(B) the cost of imposing those requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(4) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia."

(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) PROCEDURES FOR GRANT AWARD.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create procedures for the awarding of implementation assistance under this section. The Procedures shall include the execution of a full funding grant agreement between the applicant and the government.

(d) COMPETITIVE BIDDING ON HIGH-SPEED RAIL ROUTES.—The Secretary of Transportation shall determine that a State or group of States and other public agencies promoting a high-speed rail project under the provisions of section 26101A of title 49, United States Code, as a condition of receiving funding under such section, has provided for competitive bidding for the project in accordance with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 C.F.R. section 18.36). Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the States or groups of States and other public agencies, shall issue criteria for the services to which the competitive bidding by this section applies. A train operator selected under section 26101A of title 49, United States Code, is deemed to be a rail carrier for purposes of part A of subtitle 49, United States Code, when performing such services.

(e) 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) **CURRENT EMPLOYEE PROTECTIONS.**—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees, employees of the National Passenger Railroad Corporation, and mass transportation employees as it existed on the day before the date of enactment of this Act.

(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.).

(3) **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 title 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).

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 2007.**—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2007—

“(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 segment 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”.

(c) **AMTRAK TO CONTINUE TO PROVIDE NON HIGH-SPEED SERVICES.**—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

SEC. 302. AMTRAK AUTHORIZATIONS.

(a) **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).

(b) **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 each of fiscal years 2003 through 2007.

(c) **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.”.

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 each of fiscal years 2003 through 2007, 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 each of fiscal years 2003 through 2007, \$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.

(e) **REINVESTMENT OF NET REVENUES FROM NON-PASSENGER OPERATIONS.**—Amtrak shall apply any net revenues from non-passenger operations to the railroad's working capital for use in satisfying systemwide current liabilities. When Amtrak's working capital has improved to the point at which Amtrak's liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

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 each of fiscal years 2003 through 2007, 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, communication, 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, such funds to remain available until expended.

(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

(3) obtain financial contributions or commitments from such other rail carriers if feasible.

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

(g) **REINVESTMENT OF NORTHEAST CORRIDOR NET OPERATING REVENUES.**—Amtrak shall invest any net revenue generated from core passenger operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements is completed under Amtrak's 20-year capital 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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, in-

cluding 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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, \$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 each of fiscal years 2003 through 2007, 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 board meetings by the Secretary's designee.

"(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.

"(e) CONFLICTS OF INTEREST.—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to members of the board of directors during their term of office in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code)."

(b) CONFORMING AMENDMENT TO APPLY SAME STANDARD TO OFFICERS.—Section 24303(c) is amended to read as follows:

"(c) CONFLICTS OF INTEREST.—Subparts D, E, and F of part 2635 of title 5, Code of Federal Regulations, shall apply to officers when employed by Amtrak in the same manner as if they were employees of an executive agency (as defined in section 105 of title 5, United States Code)."

(c) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—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. ESTABLISHMENT OF FINANCIAL ACCOUNTING SYSTEM FOR AMTRAK OPERATIONS BY INDEPENDENT AUDITOR.

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

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

(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 and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

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

(C) to provide ticketing and reservation information on a real-time basis.

(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) 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.

SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak board of directors shall submit an annual budget for Amtrak, and a 5-year financial plan for the fiscal year to which that budget relates and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as: the ability of the federal gov-

ernment to adequately meet capital and operating requirements, Amtrak's access to long-term and short-term capital markets, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service.

(7) lump sum expenditures of \$10 million or more and sources of funding.

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts; and

(10) a statement describing methods of estimation and significant assumptions.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b) with respect to a 5-year financial plan, Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and

(2) use the categories specified in the financial accounting and reporting system developed under section 310 when preparing its 5-year financial plan.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.

Within 90 days after the date of enactment of this Act, Amtrak, in consultation with the Comptroller General, shall develop a revised methodology to be used in preparing the annual operations report required by section 24315(a) of title 49, United States Code, beginning with the report on operations for fiscal year 2002. The new report methodology shall specifically exclude non-core profits in calculating the performance of Amtrak's trains.

SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPORTIONATELY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak is less than the sum of the amounts authorized by this title for that fiscal year, then Amtrak shall—

(1) first obligate amounts appropriated pursuant to the authorization in section 303(a); and

(2) then allocate its obligation and expenditure of the remainder of the amounts appropriated for that fiscal year pursuant to this title (except amounts authorized by section 304(b), (c), and (d)) among the segments of the system in the same proportion as the authorizations were allocated among those segments by this title.

SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) INSPECTOR GENERAL TO HIRE CONSULTANT.—The Inspector General of the Department of Transportation shall—

(1) execute a contract to obtain the services of an independent auditor or consultant for the establishment of objective criteria for Amtrak service changes, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of existing services;

(2) review the criteria developed under the contract; and

(3) if the Inspector General approves the criteria, transmit them to the Amtrak board of directors.

(b) INCORPORATION OF CRITERIA BY AMTRAK.—The Amtrak board of directors shall incorporate the criteria in—

(1) its route and service planning and decision-making process; and

(2) its capital plans and budgets developed in compliance with section 311 of this Act.

(c) NOTIFICATION OF CONGRESS WHERE NOT COMPLYING WITH CRITERIA.—The Amtrak board of directors shall—

(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not less than 30 days before the implementation date of any decision to establish a new route, terminate an existing route, or effect any other major change in service that is inconsistent with the criteria incorporated under subsection (b); and

(2) explain its decision not to follow the criteria.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Inspector General, out of any amounts appropriated to Amtrak pursuant to the authority of this Act and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

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),”; and

(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;”;

(2) by inserting “(1)” before “The Secretary” in subsection (h) and redesignating paragraphs (1), (2), and (3) of that subsection as subparagraphs (A), (B), and (C); and

(3) by adding at the end of subsection (h) the following:

“(2) The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral.

“(3) 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.

“(4) 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:

“(m) 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 DEEMED RAIL CARRIERS; LOANS AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.—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 DEEMED RAIL CARRIERS.—A person that conducts 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.

“(k) LOAN AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.—Notwithstanding any other provision of law, entities other than rail companies shall be eligible for loans and loan guarantees under this section.”.

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 each of fiscal years 2003 through 2007, 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”; and

(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 (e) 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 subsections (a), (b), and (e) 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 610(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting “(1)” after “DISCONTINUANCE.—”; and

(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.”.

SA 3799. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after “SEC. 102.” and insert the following:

LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “\$40,000” each place it appears and inserting “\$17,500”; and

(2) in subsection (c), by striking “\$65,000” each place it appears and inserting “\$32,500”; and

(3) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) IN GENERAL.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$75,000:

“(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the applicable commodity under that subtitle.

“(B) Any loan deficiency payments received for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle.

“(2) ADDITIONAL LIMITATION.—In addition to the limitation under paragraph (1), the total amount of the following gains and payments that a person may receive during any crop year may not exceed \$90,000:

“(A) Any gain and payment described in paragraph (1).

“(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle for forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, peanuts, wool, mohair, or honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(e) SINGLE FARM SERIAL NUMBER.—Notwithstanding subsections (b) through (d), if a person receives 1 or more payments and gains described in this section through only 1 farm serial number, the total amount of payments or gains (as applicable) that the person may receive during a crop year shall equal twice the dollar amount prescribed in this section.”.

SA 3800. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after “SEC. 102.” and insert the following:

LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “\$40,000” each place it appears and inserting “\$17,500”; and

(2) in subsection (c), by striking “\$65,000” each place it appears and inserting “\$32,500”; and

(3) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) IN GENERAL.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$75,000:

“(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the applicable commodity under that subtitle.

“(B) Any loan deficiency payments received for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle.

“(2) ADDITIONAL LIMITATION.—In addition to the limitation under paragraph (1), the total amount of the following gains and payments that a person may receive during any crop year may not exceed \$90,000:

“(A) Any gain and payment described in paragraph (1).

“(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle for forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, peanuts, wool, mohair, or honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(e) SINGLE FARM SERIAL NUMBER.—Notwithstanding subsections (b) through (d), if a person receives 1 or more payments and gains described in this section through only 1 farm serial number, the total amount of payments or gains (as applicable) that the person may receive during a crop year shall equal twice the dollar amount prescribed in this section.”.

SA 3801. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike “\$500,000,000” and insert in lieu thereof “\$600,000,000”.

SA 3802. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike “\$500,000,000” and insert in lieu thereof “\$600,000,000”.

SA 3803. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike “\$500,000,000” and insert in lieu thereof “\$700,000,000”.

SA 3804. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike “\$500,000,000” and insert in lieu thereof “\$700,000,000”.

SA 3805. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In the language proposed to be stricken strike \$55 million and insert \$200 million.

SA 3806. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following:

SEC. . Of the funds made available under the heading “Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses” in title III of Public Law 107-77, \$37,900,000 shall be transferred to, and merged with, funds available for “hiring 200 additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, \$37,900,000, to remain available until expended.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 6, at 2:30 p.m., in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 1310/H.R. 1870, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, NV;

S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment;

S. 1385/H.R. 2115, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act, to participate in the design, planning, and water construction of the Lakehaven water reclama-

tion project for the reclamation and reuse of water;

S. 1824/H.R. 2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes;

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes;

S. 1999, to re-authorize the Mni Wiconi Rural Water Supply Project; and

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, NM

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “Accountability and IDEA: What Happens When the Bus Doesn't Come Anymore?” during the session of the Senate on Thursday, June 6, 2002, at 9:30 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Oversight Hearing on Counterterrorism” on Thursday, June 6, 2002, in Hart Room 216 at 9:30 a.m.

Witness List

Panel I: the Honorable S. Mueller III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC and the Honorable Glen A. Fine, Inspector General, U.S. Department of Justice, Washington, DC.

Panel II: Special Agent Coleen Rowley, Chief Division Counsel, Federal Bureau of Investigation, U.S. Department of Justice, Minneapolis, MN.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 2 p.m., for a markup on pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. Committee Print of S. 2043, the proposed “Veterans' Long-Term Care And Mental Health Enhancement Act.”

2. Committee Print of S. 2132, the proposed “Department of Veterans Affairs Emergency Preparedness Act of 2002.”