

SA 2158. Mr. ENSIGN (for himself and Mr. VITTER) proposed an amendment to amend SA 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS) to the bill H.R. 3058, *supra*.

SA 2159. Mr. NELSON, of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2160. Mr. GRASSLEY (for himself, Mr. DORGAN, and Mr. BOND) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2161. Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2162. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*.

SA 2163. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*.

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2167. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, *supra*.

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, *supra*.

SA 2169. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2170. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*.

SA 2174. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2175. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2176. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, *supra*.

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2179. Mr. BOND (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2180. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2181. Mr. STEVENS (for himself, Ms. MURKOWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*.

SA 2182. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*.

SA 2183. Mr. BOND (for Mr. FRIST (for himself, Mrs. DOLE, and Mrs. BOXER)) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2184. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, *supra*.

SA 2186. Mr. BOND (for Mr. NELSON, of FLORIDA (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2187. Mr. BOND (for Mr. LOTT (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2188. Mr. BOND (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2190. Mr. BOND (for Mr. COBURN) proposed an amendment to the bill H.R. 3058, *supra*.

SA 2191. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

SA 2192. Mr. BINGAMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2149.** Ms. STABENOW proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 277, line 18, “strike activities;” and insert the following: “activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed \$1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to governments and trade violations involving currency manipulation and other trade violations;”.

**SA 2150.** Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_.(a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b)

of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligible for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

**SA 2151.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of

Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 9, strike the colon, and all through line 17 on page 252 and insert the following: “.

#### DIVISION—AMTRAK

##### SECTION 1. SHORT TITLE.

This division may be cited as the “Passenger Rail Investment and Improvement Act of 2005”.

##### SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

##### SEC. 3. TABLE OF CONTENTS.

The table of contents for this division is as follows:

###### Sec. 1. Short title.

###### Sec. 2. Amendment of title 49, United States Code.

###### Sec. 3. Table of contents.

###### TITLE I—AUTHORIZATIONS

###### Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.

###### Sec. 102. Authorization for the Federal Railroad Administration.

###### Sec. 103. Repayment of long-term debt and capital leases.

###### Sec. 104. Excess railroad retirement.

###### Sec. 105. Other authorizations.

###### TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

###### Sec. 201. National railroad passenger transportation system defined.

###### Sec. 202. Amtrak Board of Directors.

###### Sec. 203. Establishment of improved financial accounting system.

###### Sec. 204. Development of 5-year financial plan.

###### Sec. 205. Establishment of grant process.

###### Sec. 206. State-supported routes.

###### Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.

###### Sec. 208. Metrics and standards.

###### Sec. 209. Passenger train performance.

###### Sec. 210. Long distance routes.

###### Sec. 211. Alternate passenger rail service program.

###### Sec. 212. Employee transition assistance.

###### Sec. 213. Northeast Corridor state-of-good-repair plan.

###### Sec. 214. Northeast Corridor infrastructure and operations improvements.

###### Sec. 215. Restructuring long-term debt and capital leases.

###### Sec. 216. Study of compliance requirements at existing intercity rail stations.

###### Sec. 217. Incentive pay.

###### Sec. 218. Access to Amtrak equipment and services.

###### Sec. 219. General Amtrak provisions.

###### Sec. 220. Private sector funding of passenger trains.

###### Sec. 221. On-board service improvements.

###### Sec. 222. Management accountability.

###### TITLE III—INTERCITY PASSENGER RAIL POLICY

###### Sec. 301. Capital assistance for intercity passenger rail service.

###### Sec. 302. State rail plans.

###### Sec. 303. Next generation corridor train equipment pool.

##### Sec. 304. Federal rail policy.

##### Sec. 305. Rail cooperative research program.

###### TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

###### Sec. 401. Systemwide Amtrak security upgrades.

###### Sec. 402. Fire and life-safety improvements.

###### Sec. 403. Amtrak plan to assist families of passengers involved in rail passenger accidents.

###### Sec. 404. Northern border rail passenger report.

###### Sec. 405. Passenger, baggage, and cargo screening.

###### TITLE V—RAIL BOND AUTHORITY

###### Sec. 501. Intercity rail facility bonds.

###### TITLE I—AUTHORIZATIONS

###### SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2006, \$580,000,000.

(2) For fiscal year 2007, \$590,000,000.

(3) For fiscal year 2008, \$600,000,000.

(4) For fiscal year 2009, \$575,000,000.

(5) For fiscal year 2010, \$535,000,000.

(6) For fiscal year 2011, \$455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to bring the Northeast Corridor as defined in section 24102(a) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants to states under section 301 of this Act, the following amounts:

(1) For fiscal year 2006, \$813,000,000.

(2) For fiscal year 2007, \$910,000,000.

(3) For fiscal year 2008, \$1,071,000,000.

(4) For fiscal year 2009, \$1,096,000,000.

(5) For fiscal year 2010, \$1,191,000,000.

(6) For fiscal year 2011, \$1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 301 of this Act, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2006.

(2) 11 percent for fiscal year 2007.

(3) 23 percent for fiscal year 2008.

(4) 25 percent for fiscal year 2009.

(5) 31 percent for fiscal year 2010.

(6) 33 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1/2 of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

###### SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2006 through 2011.

###### SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

###### (a) AMTRAK 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, not more than the following amounts:

(A) For fiscal year 2006, \$130,200,000.

(B) For fiscal year 2007, \$140,700,000.

(C) For fiscal year 2008, \$156,000,000.

(D) For fiscal year 2009, \$183,800,000.

(E) For fiscal year 2010, \$156,100,000.

(F) For fiscal year 2011, \$193,500,000.

(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 2006, \$148,100,000.

(B) For fiscal year 2007, \$141,500,000.

(C) For fiscal year 2008, \$133,800,000.

(D) For fiscal year 2009, \$124,000,000.

(E) For fiscal year 2010, \$113,900,000.

(F) For fiscal year 2011, \$103,800,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

###### SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2006, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

###### SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) \$5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) \$5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) \$2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

###### TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

###### SEC. 201. 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 systems’ 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 (other than corridors described in subparagraph (A)), 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 Passenger Rail Investment and Improvement Act of 2005; and

“(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

“(i) Amtrak; or

“(ii) another rail carrier that receives funds under chapter 244.”.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

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

“(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person 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 by either party, 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 division is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

“(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).”.

**SEC. 202. 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 Secretary of Transportation.

“(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

“(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or State government.

“(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major ge-

ographic regions of the United States served by Amtrak.

“(3) 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.

“(4) 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.

“(5) The Secretary may be represented at board meetings by the Secretary's designee.

“(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

“(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to \$300 a day when performing Board duties. 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) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

“(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.”.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

**SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.**

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system 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;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(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 recommenda-

tions, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

**SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.**

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate 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) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

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

(9) annual cash flow forecasts;

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

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

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

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division.

(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 of Representatives 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. 205. ESTABLISHMENT OF GRANT PROCESS.**

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REVIEW AND APPROVAL.

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

**SEC. 206. STATE-SUPPORTED ROUTES.**

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs

incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

**SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.**

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this division to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

**SEC. 208. METRICS AND STANDARDS.**

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, and Amtrak employees, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity train operations, including cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

**SEC. 209. PASSENGER TRAIN PERFORMANCE.**

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

**“(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—**

“(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board shall investigate whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be, addressed by a rail carrier over the tracks of which the intercity passenger train operates or reasonably addressed by the intercity passenger rail operator. In carrying out such an investigation, the Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the service, quality, and on-time performance of the train.

“(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier’s failure to provide preference to Amtrak over freight transportation under subsection (c), then the Board shall enforce its recommendations for relief under this section.

“(3) PENALTIES.—

“(A) IN GENERAL.—The Board shall publish a schedule of penalties which will—

“(A) fairly reflect the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

“(B) will adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak.

“(B) ASSESSMENT.—The Board may assess these penalties upon a host rail carrier.

“(C) USE.—The Board shall make any amounts received as penalties under this paragraph available to Amtrak or a State contracting with Amtrak, as applicable, for capital or operating expenditures on such routes.”

(b) CHANGE OF REFERENCE.—Section 24308 is amended—

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

(2) by striking “Commission” each place it appears and inserting “Board”;

(3) by striking “Secretary” the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting “Board”.

**SEC. 210. LONG DISTANCE ROUTES.**

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

**§ 24710. Long distance routes**

“(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

“(1) evaluate annually the performance of each long distance passenger rail route operated by Amtrak; and

“(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop a performance improvement plan for its long distance passenger rail routes based on the data collected through the application of the financial and performance 29 metrics developed under section 208 of that Act. The plan shall address—

“(1) on-time performance;

“(2) scheduling, frequency, routes, and stops;

“(3) the feasibility of restructuring service into connected corridor service;

“(4) performance-related equipment changes and capital improvements;

“(5) on-board amenities and service, including food, first class, and sleeping car service;

“(6) State or other non-Federal financial contributions; and

“(7) other aspects of Amtrak’s long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak’s long distance passenger rail routes.

(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

“(1) beginning in fiscal year 2007 for those routes identified as being in the worst performing third under subsection (a)(3);

“(2) beginning in fiscal year 2008 for those routes identified as being in the second best performing third under subsection (a)(3); and

“(3) beginning in fiscal year 2009 for those routes identified as being in the best performing third under subsection (a)(3).

“(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

“(1) shall notify Amtrak of its determination under this subsection;

“(2) shall provide an opportunity for a hearing with respect to that determination; and

“(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

“24710. Long distance routes”.

**SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.**

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

**§ 24711. Alternate passenger rail service program**

“(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

“(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

“(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

“(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

“(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

“(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

“(B) an operating subsidy—

“(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

“(ii) for any subsequent years at such level, adjusted for inflation; and

“(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments

and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

“(b) IMPLEMENTATION.—

“(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

“(A) during fiscal year 2007 for operations commencing in fiscal year 2008; and

“(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

“(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2008 nor to more than 2 such routes for operations beginning in fiscal year 2010 and subsequent fiscal years.

“(C) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

“(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

“(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

“(B) the service provider’s compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish;

“(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

“(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

“(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

“(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

“(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the

Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following: “24711. Alternate passenger rail service program”.

#### SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary’s discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than \$50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

#### SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2011, consistent with the

funding levels authorized in this division and shall submit the plan to the Secretary.

##### (b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak’s capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

#### SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

#### “§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

“(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

“(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the ‘Commission’) to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

“(A) members representing the National Railroad Passenger Corporation;

“(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

“(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

“(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

“(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission’s memberships.

“(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission’s proceedings.

“(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(6) The Chairman of the Commission shall be elected by the members.

“(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

“(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

“(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

“(10) The commission shall consult with other entities as appropriate.

“(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning northeast corridor rail infrastructure and operations including proposals addressing, as appropriate—

“(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

“(2) future funding requirements for capital improvements and maintenance;

“(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

“(4) opportunities for additional non-rail uses of the Northeast Corridor;

“(5) scheduling and dispatching;

“(6) safety and security enhancements;

“(7) equipment design;

“(8) marketing of rail services; and

“(9) future capacity requirements.

##### “(c) ACCESS COSTS.—

“(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak’s new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2005, the Commission shall—

“(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for northeast corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

“(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

“(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

“(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

“(C) transmit the proposed timetable to the Surface Transportation Board; and

“(D) at the party’s request, petition the Surface Transportation Board to appoint a mediator to assist the parties through non-binding mediation to reach an agreement under this section.

“(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the northeast corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the parties fail to implement such new agreements in accordance with the timetable, the parties shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such

services in accordance with section 24904(c) of this title.

“(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

“(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

“(A) the Secretary;

“(B) Amtrak;

“(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

“(D) commuter agencies;

“(E) rail passengers;

“(F) rail labor;

“(G) the Transportation Security Administration; and

“(H) other individuals and organizations the Secretary decides have a significant interest in rail safety.

“(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

“(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.”

(3) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(A) inserting “commuter rail passenger” after “between”; and

(B) striking “freight” in the second sentence.

## SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak’s indebtedness as of the date of enactment of this Act. This authorization expires on January 1, 2007.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak’s indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury shall assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak’s or its successors’ liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak’s outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by June 1, 2007—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

## SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)).

The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2007, along with recommendations for funding the necessary improvements.

## SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

## SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak’s other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

## SEC. 219. GENERAL AMTRAK PROVISIONS.

(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 2006 through 2011.

## SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

## SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

## SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

**§ 24310. Management accountability**

“(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

“(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

“(1) effectiveness improving annual financial planning;

“(2) effectiveness in implementing improved financial accounting;

“(3) efforts to implement minimum train performance standards;

“(4) progress maximizing revenues and minimizing Federal subsidies; and

“(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

“24310. Management accountability”.

**TITLE III—INTERCITY PASSENGER RAIL POLICY****SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.**

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

**“CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE**

“Sec.

“24401. Definitions.

“24402. Capital investment grants to support intercity passenger rail service.

“24403. Project management oversight.

“24404. Use of capital grants to finance first-dollar liability of grant project.

“24405. Grant conditions.

**§ 24401. Definitions**

“In this subchapter:

“(1) APPLICANT.—The term ‘applicant’ means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

“(2) CAPITAL PROJECT.—The term ‘capital project’ means a project or program in a State rail plan developed under chapter 225 of this title for—

“(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

“(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

“(C) costs associated with developing State rail plans; and

“(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

“(3) INTERCITY PASSENGER RAIL SERVICE.—The term ‘intercity passenger rail service’ means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

**“§ 24402. Capital investment grants to support intercity passenger rail service.**

“(a) GENERAL AUTHORITY.—

“(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

“(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005.

“(b) PROJECT AS PART OF STATE RAIL PLAN.—

“(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

“(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

“(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

“(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

“(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

“(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005;

“(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

“(4) ensure that each project is compatible with, and is operated in conformance with—

“(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

“(B) the national rail plan (if it is available); and

“(5) favor the following kinds of projects:

“(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

“(B) Projects that also improve freight or commuter rail operations.

“(C) Projects that have significant environmental benefits.

“(D) Projects that are—

“(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

“(ii) ready to be commenced.

“(E) Projects with positive economic and employment impacts.

“(F) Projects that encourage the use of positive train control technologies.

“(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

“(H) Projects that involve donated property interests or services.

“(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

“(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan’s ranked list of rail capital projects developed under section 22504(a)(5) of this title.

“(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

“(1) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

“(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

“(C) An obligation or administrative commitment may be made only when amounts are appropriated.

“(2) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

“(i) establish the terms of participation by the United States Government in a project under this section;

“(ii) establish the maximum amount of Government financial assistance for the project;

“(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

“(iv) make timely and efficient management of the project easier according to the law of the United States.

“(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be

specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

“(i) a full funding grant agreement for the project will be made; and

“(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

“(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

“(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2005, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

“(f) FEDERAL SHARE OF NET PROJECT COST.—

“(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

“(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

“(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

“(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

“(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2004 and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

“(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2006 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2004 and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

“(g) UNDERTAKING PROJECTS IN ADVANCE.—

“(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

“(A) the applicant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

“(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

“(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

“(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

“(i) PUBLIC-PRIVATE PARTNERSHIPS.”—

“(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

“(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

“(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or

other physical asset associated with the project;

“(B) cost-sharing of any project expense;

“(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

“(D) any other form of participation approved by the Secretary.

“(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

“(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

“(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

“(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

“(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available \$10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2005 beginning in fiscal year 2007 for grants for capital projects eligible under this section not exceeding \$2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may waive requirements of this section, including state rail plan requirements, as appropriate.

#### “§24403. Project management oversight

“(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

“(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

“(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

“(3) a construction schedule for the project;

“(4) a document control procedure and recordkeeping system;

“(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

“(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

“(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

“(8) material testing policies and procedures;

“(9) internal plan implementation and reporting requirements;

“(10) criteria and procedures to be used for testing the operational system or its major components;

“(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

“(12) the recipient’s commitment to submit a project budget and project schedule to the Secretary each month.

“(b) SECRETARIAL OVERSIGHT.—

“(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

“(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

“(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

“(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

**“§ 24404. Use of capital grants to finance first-dollar liability of grant project**

“Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed \$20,000,000 per occurrence or \$20,000,000 in aggregate per year.

**“§ 24405. Grant conditions**

“(a) DOMESTIC BUYING PREFERENCE.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

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

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

“(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than \$1,000,000.

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

“(A) such requirements are inconsistent with the public interest;

“(B) the cost of imposing the 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.

“(3) 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) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

“(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

“(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

“(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

“(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

“(A) any compensation for such use;

“(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

“(C) an assurance by the railroad that collective bargaining agreements with the railroad’s employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

“(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

“(2) the applicant agrees to comply with—

“(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

“(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

“(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

“(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

“(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee’s seniority on the predecessor provider for each position with the replacing entity that is in the employee’s craft or class and is available within 3 years after the termination of the service being replaced;

“(B) establishes a procedure for notifying such an employee of such positions;

“(C) establishes a procedure for such an employee to apply for such positions; and

“(D) establishes rates of pay, rules, and working conditions.

“(2) IMMEDIATE REPLACEMENT SERVICE.—

“(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity’s rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for

the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

“(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

“(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

“(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

“(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

“(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(1) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

“(2) the Alaska Railroad or its contractors; or

“(3) the National Railroad Passenger Corporation’s access rights to railroad rights of way and facilities under current law.”

“(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance ..... 24401”.

“(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

“244. Intercity passenger rail service capital assistance ..... 24401”.

#### SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

#### “CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

“Sec.

“22501. Definitions

“22502. Authority

“22503. Purposes

“22504. Transparency; coordination; review

“22505. Content

“22506. Review

#### “§ 22501. Definitions

“In this subchapter:

“(1) PRIVATE BENEFIT.—

“(A) IN GENERAL.—The term ‘private benefit’—

“(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

“(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

“(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

“(2) PUBLIC BENEFIT.—

“(A) IN GENERAL.—The term ‘public benefit’—

“(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

“(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

“(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

“(3) STATE.—The term ‘State’ means any of the 50 States and the District of Columbia.

“(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term ‘State rail transportation authority’ means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.”.

#### “§ 22502. Authority

“(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

“(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

“(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

“(2) establish or designate a State rail plan approval authority to approve the plan;

“(3) submit the State’s approved plan to the Secretary of Transportation for review; and

“(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

#### “§ 22503. Purposes

“(a) PURPOSES.—The purposes of a State rail plan are as follows:

“(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

“(2) To establish the period covered by the State rail plan.

“(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

“(4) To serve as the basis for Federal and State rail investments within the State.

“(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation’s role within the State transportation system.

#### “§ 22504. Transparency; coordination; review

“(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

“(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

#### “§ 22505. Content

“(a) IN GENERAL.—Each State rail plan shall contain the following:

“(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State’s surface transportation system.

“(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

“(3) A statement of the State’s passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

“(4) A general analysis of rail’s transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land use, energy use, and community impacts.

“(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

“(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

“(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stakeholders.

“(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

“(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all

major projects funded under section 130 of title 23.

“(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

“(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

“(12) A statement that the State is in compliance with the requirements of section 22102.

#### “(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

“(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

“(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

“(B) A detailed funding plan for those projects.

“(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

“(A) a description of the anticipated public and private benefits of each such project; and

“(B) a statement of the correlation between—

“(i) public funding contributions for the projects; and

“(ii) the public benefits.

“(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

“(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

“(B) Rail capacity and congestion effects.

“(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

“(D) Regional balance.

“(E) Environmental impact.

“(F) Economic and employment impacts.

“(G) Projected ridership and other service measures for passenger rail projects.

#### “§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2005 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter”.

#### “(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

“225. State rail plans ..... 22501”.

“(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

“225. State rail plans ..... 24401”.

#### SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

#### SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting “IN GENERAL.” before “The Federal” in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting “ADMINISTRATOR.” before “The head” in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

“(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.”;

(5) by inserting “POWERS AND DUTIES.” before “The” in subsection (d), as redesignated;

(6) by striking “and” after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

“(2) the duties and powers related to railroad policy and development under subsection (e); and”;

(8) by inserting “TRANSFERS OF DUTY.” before “A duty” in subsection (e), as redesignated;

(9) by inserting “CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.” before “Subject” in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

“(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

“(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

“(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

“(3) develop a preliminary national rail plan within a year after the date of enact-

ment of the Passenger Rail Investment and Improvement Act of 2005;

“(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

“(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

“(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

“(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

#### “(h) PERFORMANCE GOALS AND REPORTS.—

“(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities under-taken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

“(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

“(3) SUBMISSION WITH PRESIDENT’S BUDGET.—Beginning with fiscal year 2007 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President’s budget submission, the Administration’s performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.”.

#### SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

##### “24910. Rail cooperative research program

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

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

“(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

“(3) consider research on the interconnectness of commuter rail, passenger rail, freight rail, and other rail networks; and

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

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

“(1) to identify the unique aspects and attributes of rail passenger and freight service;

“(2) to develop more accurate models for evaluating the impact of rail passenger and

freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

“(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

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

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

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

“(7) to address rail capacity constraints that affect passenger and freight 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 operations;

“(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

“(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

“(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations;

#### “(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 and freight 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, freight railroads, 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) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

“24910. Rail cooperative research program”.

#### TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

##### SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPDATES.

(a) IN GENERAL—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Secretary of Transportation, is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;  
 (3) to secure Amtrak stations;  
 (4) to obtain a watch list identification system approved by the Secretary;  
 (5) to obtain train tracking and interoperable communications systems that are co-ordinated to the maximum extent possible;  
 (6) to hire additional police and security officers, including canine units;  
 (7) to expand emergency preparedness efforts; and (8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

- (1) \$63,500,000 for fiscal year 2006;
- (2) \$30,000,000 for fiscal year 2007; and
- (3) \$30,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.

**SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

- (A) \$190,000,000 for fiscal year 2006;
- (B) \$190,000,000 for fiscal year 2007;
- (C) \$190,000,000 for fiscal year 2008;

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

- (A) \$19,000,000 for fiscal year 2006;
- (B) \$19,000,000 for fiscal year 2007;
- (C) \$19,000,000 for fiscal year 2008;

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

- (A) \$13,333,000 for fiscal year 2006;
- (B) \$13,333,000 for fiscal year 2007;
- (C) \$13,333,000 for fiscal year 2008;

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 \$3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

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

(1) consider the extent to which rail carriers other than Amtrak use or plan to 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 at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

**SEC. 403. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.**

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

**“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents**

“(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the

names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

“(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

“(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

“(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

“(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(f) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak \$500,000 for fiscal year 2006 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger accidents.”

**SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT.**

Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of

Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in “The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Patrol rolling inspections onboard international Amtrak trains.

#### SEC. 405. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security \$1,000,000 for fiscal year 2006 to carry out this section.

#### TITLE V—RAIL BOND AUTHORITY

##### SEC. 501. INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end the following:

#### “§ 26106. Rail infrastructure bonds

“(a) DESIGNATION.—The Secretary may designate bonds for purposes of section 54A of the Internal Revenue Code of 1986 if—

“(1) the bonds are to be issued by—

“(A) a State, if the entire railroad passenger transportation corridor containing the infrastructure project to be financed is within the State;

“(B) 1 or more of the States that have entered into an agreement or an interstate compact consented to by Congress under section 410(a) of Public Law 105-134 (49 U.S.C. 24101 note);

“(C) an agreement or an interstate compact described in subparagraph (B); or

“(D) Amtrak, for capital projects under its 5-year plan;

“(2) the bonds are for the purpose of financing projects that make a substantial contribution to providing the infrastructure and equipment required to complete or improve a rail transportation corridor (including projects for the acquisition, financing, or refinancing of equipment and other capital improvements, including the introduction of new high-speed technologies such as magnetic levitation systems, track or signal improvements, the elimination of grade crossings, development of intermodal facilities, improvement of train speeds or safety, or both, and station rehabilitation or construction), but only if the Secretary determines that the projects are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 225 (except for bonds issued under paragraph (1)(D)); and

“(3) for a railroad passenger transportation corridor not operated by Amtrak that includes the use of rights-of-way owned by a freight railroad, a written agreement exists between the applicant and the freight railroad regarding such use and ownership, including compensation for such use and assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations, and including an assurance by the freight railroad that collective bargaining agreements with the freight railroad's employees (including terms regulating the contracting of work) shall remain in full force and effect according to their terms for work performed by the freight railroad on such railroad passenger transportation corridor.

“(b) PROJECT SELECTION CRITERIA.—The Secretary shall give preference to the designation under this section of bonds for projects selected using the criteria in chapter 244.

“(c) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall grant or deny a requested designation within 9 months after receipt of an application.

“(d) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) may be issued for refinancing projects only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

“(1) after the date of the enactment of this section;

“(2) for a term of not more than 3 years;

“(3) to finance projects described in subsection (a)(2); and

“(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a).

“(e) APPLICATION OF CONDITIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after the date of the enactment of this section and that uses property acquired pursuant to this section (except as provided

in subsection (a)(2)(B)), shall be subject to the conditions under section 24405.

“(f) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary shall issue regulations for carrying out this section.

“(g) SECTION 54A BOND DEFINED.—In this section, the term ‘section 54A bond’ means a bond designated by the Secretary under subsection (a) for purposes of section 54A of the Internal Revenue Code of 1986 (relating to credit to holders of qualified rail infrastructure bonds.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

“26106. Rail infrastructure bonds.”

**SA 2152.** Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person to import into the United States or any manufacturer or wholesale distributor to distribute in commerce any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of the American National Standard for Four Wheel All-Terrain Vehicles—Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2001) or any applicable provision of a revision of such Standard; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C)(i) was submitted to the Commission and implemented prior to September 23, 2005; or

(ii) is approved by the Commission and is substantially implemented at the time of the import into the United States or the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term “ATV” means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, IMPORT, UNITED

STATES.—The terms “Commission”, “distribution in commerce”, “to distribute in commerce”, “import”, and “United States” have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) VIOLATION OF CUSTOMS LAWS.—The importation of an ATV into the United States in violation of subsection (a) shall be a violation of the customs laws of the United States and any applicable provisions thereof.

(e) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

**SA 2153.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8. No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or  
(2) a bridge joining the Island of Gravina to the community of Ketchikan.

**SA 2154.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 406, between lines 7 and 8, insert the following:

**SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.**

None of the funds made available in this Act shall be used by the Department of Housing and Urban Development for programs and activities not in compliance with section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300), including any programs under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

**SA 2155.** Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 227, line 7, strike the period and insert the following: “Provided further, That

not later than December 31, 2015, public-use airports shall improve their runway safety areas to comply with the Federal Aviation Administration design standards.”

**SA 2156.** Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

**SEC. \_\_\_\_ AMENDMENTS TO EXCLUDE SOLID WASTE DISPOSAL FROM THE JURISDICTION OF THE BOARD.**

Section 10501 of title 49, United States Code, is amended—

(1) in subsection (b)(2), by inserting “except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903),” after “facilities;” and

(2) in subsection (c)(2)—

(A) by striking “over mass” and inserting the following: “over

“(A) mass”; and

(B) by striking the period at the end and inserting the following: “; or

“(B) the processing or sorting of solid waste.”

**SA 2157.** Mr. LEAHY (for himself, Mr. COLEMAN, Mr. SARBANES, Mr. GRAHAM, Mr. REED, Ms. SNOWE, Mr. SCHUMER, Mr. OBAMA, Mr. KOHL, Mr. DORGAN, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Ms. STABENOW, Mr. CORZINE, Mr. SALAZAR, Mrs. CLINTON, Mr. DURBIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. DEWINE, Mr. SANTORUM, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. DAYTON, Ms. CANTWELL, Mr. SPECTER, Mr. BINGAMAN, Ms. LANDRIE, Mr. GRASSLEY, Mr. BAYH, Ms. MIKULSKI, Mr. JOHNSON, Mr. CHAFEE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, on line 13 strike “\$1,500,000,000” and insert “\$2,100,000,000”.

On page 299, line 14 strike the period and insert the following: “Provided further, That notwithstanding the foregoing provisos, of the amounts recaptured from amounts appropriated in prior years under this heading, such amounts are provided as follows:

“(1) \$200,000,000 for activities provided for under the heading ‘Tenant-based rental assistance’, including \$130,000,000 for the renewal of expiring section 8 contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and not to exceed \$70,000,000 for the conversion of section 811 vouchers to tenant-based rental assistance vouchers.

“(2) \$200,000,000 to be equally divided for activities provided for under the headings

‘Public Housing Capital Fund’ and ‘Public Housing Operating Fund’.

“(3) \$200,000,000 for activities provided for under the heading ‘Community Development Fund’ to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).”

**SA 2158.** Mr. ENSIGN (for himself and Mr. VITTER) proposed an amendment to amendment S. 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS) to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

“(a) SHORT TITLE.—This section may be cited as the “Child Custody Protection Act”.

(b) TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

**CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION**

“Sec.

“2431. Transportation of minors in circumvention of certain laws relating to abortion

**§ 2431. Transportation of minors in circumvention of certain laws relating to abortion**

“(a) OFFENSE.—

“(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor’s abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

“(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

“(b) EXCEPTIONS.—

“(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

“(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

“(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been

required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

“(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

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

“(1) a ‘law requiring parental involvement in a minor’s abortion decision’ means a law—

“(A) requiring, before an abortion is performed on a minor, either—

“(i) the notification to, or consent of, a parent of that minor; or

“(ii) proceedings in a State court; and

“(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

“(2) the term ‘parent’ means—

“(A) a parent or guardian;

“(B) a legal custodian; or

“(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor’s abortion decision as a person to whom notification, or from whom consent, is required;

“(3) the term ‘minor’ means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor’s abortion decision; and

“(4) the term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States.”.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

“117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431”.

**SA 2159.** Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

**SA 2160.** Mr. GRASSLEY (for himself, Mr. DORGAN, and Mr. BOND) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408. (a) The division of the court shall release to the Congress and to the public not

later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

**SA 2161.** Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1 \_\_\_\_\_. (a) In this section:

(1) The term “flexible fuel mixture” means any mixture of gasoline and ethanol up to 85 percent of which is ethanol, or any mixture of diesel and biodiesel of which 85 percent is biodiesel, as measured by volume.

(2) The term “light truck” has the meaning given that term in section 523.5 of title 49, Code of Federal Regulations (or a successor regulation).

(b) Not later than 90 days after the date of enactment of this Act, using funds made available to the National Highway Traffic Safety Administration, the Secretary of Transportation shall prepare and submit to Congress a report describing the feasibility

and marginal production costs of making all new passenger automobiles and light trucks sold in the United States capable of using a flexible fuel mixture.

**SA 2162.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

**SEC. \_\_\_\_\_. APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148-1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

**SA 2163.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION 1. DISTRICT JUDGESHIP FOR THE DISTRICT OF NEBRASKA.**

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Nebraska.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to Nebraska and inserting the following:

“Nebraska ..... 4”.

**SA 2164.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. 1 \_\_\_\_\_. Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) (as amended by section 103 of the Energy Policy Act of 2005 (Public Law 109-58)) is amended by adding at the end the following:

“(f) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION BY CERTAIN FEDERAL AGENCIES.—

“(1) DEFINITION OF AFFECTED AGENCY.—In this subsection, the term ‘affected agency’ means—

“(A) the Department of Transportation;  
 “(B) the Department of the Treasury;  
 “(C) the Department of Housing and Urban Development; and  
 “(D) any agency of the judicial branch of the Federal Government.

“(2) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION.—Each affected agency shall take such actions as are necessary to reduce the level of fuel consumed by vehicles of employees of the affected agency (other than fuel used for military purposes), in connection with the employment of the employees, by (to the maximum extent practicable) at least 10 percent during the 1-year period beginning on the date of enactment of this subsection.

“(3) METHODS.—An affected agency may use such methods as the agency determines are appropriate to achieve the target established by paragraph (2), including—

- “(A) telework;
- “(B) carpooling;
- “(C) bicycling and walking to work;
- “(D) fuel-efficient trip planning;
- “(E) public transportation use; and
- “(F) limiting travel days for vehicle travel outside the office.

“(4) MEASUREMENT.—An affected agency may use such measures as the affected agency determines are appropriate to determine whether the affected agency has achieved the target established by paragraph (2), including certification of the methods described in paragraph (3).”.

**SA 2165.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following: Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking “for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska” and inserting “for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana”;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) by striking “AK” and inserting “LA”; and

(2) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”.

(c) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) in item number 406—

(A) by striking “AK” and inserting “LA”; and

(B) by striking “Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”;

(2) in item number 2465—

(A) by striking “AK” and inserting “LA”; and

(B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”; (3) in item number 3323—

(A) by striking “AK” and inserting “LA”; and

(B) by striking “Earthwork and roadway construction Gravina Access Project” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”; and

(4) in item number 3677—

(A) by striking “AK” and inserting “LA”; and

(B) by striking “Planning, design, and construction of Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”.

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) is amended—

(1) by striking “AK” and inserting “LA”; and

(2) by striking “Improvements to the Knik Arm Bridge” and inserting “Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana”.

(e) Sections 1949, 4410, and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

**SA 2166.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. HOME MORTGAGE PROTECTION REVOLVING LOAN FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Home Mortgage Protection Revolving Loan Fund (hereafter referred to in this section as the “Fund”) to carry out the lending and guarantee functions authorized under this section.

(b) CAPITAL.—Except as provided under subsection (j), the capital of the Fund shall remain available until expended.

(c) AUTHORITIES, SCOPE, AND PURPOSES; CONDITIONS; INTEREST RATE; REPAYMENT.—

(1) LOANS AUTHORIZED.—The Secretary is authorized to make or guarantee loans, either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis, to eligible financial institutions, for the purposes described in subsection (e).

(2) CONDITIONS.—No loans, guarantees, or other financial assistance shall be provided under this section unless the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan;

(B) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

(C) the amount of the loan, together with other funds available, is adequate to assure completion or achievement of the purposes for which the loan is made.

(3) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may not loan amounts out of the Fund to an eligible financial institution for mortgage payments deferred under subsection (g) in an amount in excess of the sum of 6 deferred mortgage payments.

(B) EXCLUSION.—The amount calculated under subparagraph (A) shall not include any deferrals that an eligible financial institution granted to a mortgagor prior to the date of enactment of this section.

(C) OUTSTANDING LOAN AMOUNT.—The total amount of outstanding loan amounts under this section may not exceed \$2,000,000,000.

(4) INTEREST RATE.—Loans made by the Secretary pursuant to this section shall bear interest at a rate equal to not less than a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program, as the Secretary may determine to be consistent with its purposes.

(5) REPAYMENT.—All loans made under this section shall be repayable within a period of not more than 30 years.

(6) ADJUSTMENT OF INTEREST RATES, MORATORIUM ON PRINCIPAL AND INTEREST.—The Secretary is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by the Secretary, and to take such other actions in respect to such loans as the Secretary shall determine to be necessary or appropriate, consistent with the purposes of this section.

(d) APPLICATION.—An eligible financial institution seeking a loan under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including providing proper documentation to the Secretary that—

(1) such financial institution is the holder of a mortgage;

(2) mortgage payments have been deferred for 6 months under subsection (g);

(3) the property secured by the mortgage is located in an affected area;

(4) the property secured by mortgage was rendered unusable or uninhabitable, or was completely destroyed, as a result of Hurricane Katrina or Hurricane Rita; and

(5) such financial institution has not initiated any foreclosure proceeding against any property held by a mortgagor for which the financial institution is seeking a loan.

(e) USE OF FUNDS.—Amounts in the Fund may only be used to provide loans to eligible financial institutions to reimburse such financial institutions for mortgage payments deferred under subsection (g).

(f) FORECLOSURES.—

(1) IN GENERAL.—An eligible financial institution that does not seek a loan under this section, may not foreclose on property held by a mortgagor in an affected area, if the mortgagor can demonstrate that the property meets the requirements listed under subsection (d).

(2) REIMBURSEMENT FROM FUND.—If an eligible financial institution is unable to foreclose under paragraph (1), such financial institution may seek a loan under this section in accordance with the provisions of this section.

(3) LIMITATION.—An eligible financial institution may not receive a loan under this section for mortgage payments deferred under subsection (g) for any foreclosure proceeding initiated prior to August 26, 2005.

(4) REPAYMENT FOR ANY PROPERTY SEIZED.—If an eligible financial institution forecloses, or otherwise seizes or disposes of, property held by a mortgagor in an affected area, such financial institution shall repay to the Fund any loan amounts received under this section.

(g) DEFERRAL OF MORTGAGE PAYMENTS.—

(1) IN GENERAL.—An eligible financial institution shall extend for an additional 6 months any deferral of mortgage payments of a mortgagor initiated prior to August 26, 2005.

(2) REIMBURSEMENT FOR EXTENSION.—An eligible financial institution that extends the deferral of any mortgage payments under paragraph (1) may seek a loan under this section for reimbursement for the deferral of such mortgage payments.

(3) REFINANCE, REAMORTIZATION, OR RESTRUCTURING OF MORTGAGES.—An eligible financial institution may refinance, reamortize, or restructure any mortgage deferred under paragraph (1) to extend the term of such mortgage to cover any mortgage payments missed or deferred under that paragraph.

(4) LIMITATION ON REFINANCING.—If an eligible financial institution exercises its authority to refinance, reamortize, or restructure a mortgage under paragraph (3), such institution shall repay to the Fund any amounts received under paragraph (2).

(5) INELIGIBILITY OF CERTAIN MORTGAGORS.—An eligible financial institution shall not extend the deferral of any mortgage payments under paragraph (1), if the mortgagor has a homeowners or other insurance policy that includes coverage of mortgage payments.

(h) CREDIT PROTECTION.—A failure by a mortgagor to make a mortgage payment on any property located in an affected area shall not be reported to any consumer reporting agency, as such term is defined under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(i) DEPOSITS.—

(1) INVESTMENT.—To the extent that amounts in the Fund at any time exceed the immediate needs of the Fund, the excess shall be invested in short-term obligations of the United States.

(2) INTEREST.—To the extent that interest accrues on any funds invested under paragraph (1), that interest shall remain in the fund and shall be made available for the purposes of this section.

(j) REVERSION OF FUNDS TO THE TREASURY.—Any amounts in the Fund that are unexpended and unobligated after March 30, 2007, shall be covered into the General Fund of the Treasury as miscellaneous receipts, and the Fund shall be terminated.

(k) REGULATIONS.—Not later than 15 days after the date of enactment of this section, the Secretary shall issue regulations necessary to carry out the administration of this section and to ensure that the purposes of this section are accomplished.

(l) DEFINITIONS.—In this section, the following definitions shall apply:

(1) AFFECTED AREA.—The term “affected area” means any area—

(A) with respect to which the President has declared a major disaster pursuant to title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita; or

(B) that is determined to be eligible for disaster relief under other Federal law by reason of damage related to Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE FINANCIAL INSTITUTION.—The term “eligible financial institution” means any—

- (A) commercial bank;
- (B) community bank;

(C) mortgage bank;

(D) credit union;

(E) enterprise, as that term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502);

(F) Bank, as that term is used in the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.); or

(G) other lender approved by the Secretary as eligible for insurance under section 2 of the National Housing Act (12 U.S.C. 1703).

(3) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(m) FUNDING.—The Fund shall consist of the remaining amounts provided for in the Disaster Relief Fund under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as in effect on the date of enactment of this section, and includes such funds as may be deposited in the Disaster Relief Fund from funds made available by this or any other Act.

**SA 2167.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 219, line 14, insert after “\$15,000,000” the following: “, of which \$5,000,000 shall be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities”.

**SA 2168.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 276, after line 24, add the following:

SEC. 1. (a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) as of the date of enactment of this Act, of the amounts made available by this Act, \$1,000,000 shall be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended—

- (1) in subsection (a)—

(A) by inserting after “evacuation plans” the following: “(including the costs of the plans)”;

(B) by inserting “and other catastrophic events” before “impacting”;

(2) in subsection (b), by striking “and local” and inserting “parish, county, and municipal”; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting “safe and” before “practical”;

(B) in paragraph (2), by inserting after “States” the following: “and adjoining jurisdictions”;

(C) in paragraph (3), by striking “and” after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

“(6) the time required to evacuate under the plan; and

“(7) the physical and mental strains associated with the evacuation.”

**SA 2169.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **UPDATED FUEL ECONOMY LABELING PROCEDURES.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as appropriate and in consultation with the Administrator of the National Highway Traffic Safety Administration, update and revise the process used to determine fuel economy values for labeling purposes as set forth in sections 600.209-85 and 600.209.95 of title 40, Code of Federal Regulations, to take into consideration current factors such as speed limits, acceleration rates, braking, variations in weather and temperature, vehicle load, use of air conditioning, driving patterns, and the use of other fuel consuming features. The Administrator shall use existing emissions test cycles and, or, updated adjustment factors to implement the requirements of this subsection.

(b) DEADLINE.—The Administrator of the Environmental Protection Agency shall—

(1) publish a notice of proposed rulemaking not later than March 31, 2006, to carry out subsection (a); and

(2) promulgate a final rule not later than 18 months after the date on which the Administrator issues the notice under paragraph (1).

(c) REPORT.—Three years after issuing the final rule required by subsection (b), and every 3 years thereafter, the Administrator of the Environmental Protection Agency shall reconsider the fuel economy labeling procedures required under subsection (a) to determine if the changes in the factors require revisiting the process. The Administrator shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the outcome of the reconsideration process.

**SA 2170.** Mr. CARPER submitted an amendment intended to be proposed by

him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: “*Provided further*, That the Comptroller General shall submit a report to Congress that describes the potential liabilities, operational and capital costs, tax implications, administrative costs, and other costs associated with the Corporation creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure to such subsidiary before the Corporation takes further steps toward creating such a subsidiary.”

**SA 2171.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: “*Provided further*, That the Corporation shall submit a report to Congress that describes the costs, including staffing costs, associated with creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure into such subsidiary before the Corporation takes any further steps toward creating such a subsidiary.”

**SA 2172.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, after line 22, insert the following:

SEC. 143. (a) The Senate finds the following:

(1) Only 1 member of the Board of Directors of the Corporation has been confirmed by the Senate.

(2) Two other members of the Board were recess appointments whose terms expire at the end of the first session of the 109th Congress.

(3) Three seats on the Board are vacant and no nominations have been submitted to the Senate to fill these vacancies.

(4) The Corporation’s ability to take major actions is compromised by having only 1 member of the Board who has been confirmed by the Senate.

(b) It is the sense of the Senate that—

(1) The President should appoint sufficient new members to the Board of Directors of the Corporation to fill all existing and anticipated vacancies and submit such appointments to the Senate not later than December 31, 2005; and

(2) the Senate should act on such nominations as quickly as possible.

**SA 2173.** Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CAR-

PER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

**SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.**

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

**SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.**

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

- (1) the names of each traveler;
- (2) the date of travel;
- (3) the points of origination and destination;
- (4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term “agency” has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**SA 2174.** Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 384, after line 13, insert the following:

SEC. \_\_\_\_\_. The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: *Provided*, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal government’s goals of environmental stewardship: *Provided further*, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA’s sustainable building program, including a schedule for incorporating any additional such programs into the system through regulations.

individual forest management certification programs for use within GSA’s sustainable building program, including a schedule for incorporating any additional such programs into the system through regulations.

**SA 2175.** Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 216, after line 23, insert the following:

**DIVISION A—TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006**

**SA 2176.** Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 436, line 11, strike “Act” and insert in lieu thereof “division”.

**SA 2177.** Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

SEC. \_\_\_\_\_. Section 14711(c) of title 49, United States Code, is amended by—

- (1) striking “; and” at the end of paragraph (1) and inserting “;”;
- (2) striking the period at the end of paragraph (2) and inserting “; and”;
- (3) inserting the following after paragraph (2):

“(3) be substituted, upon the filing of a motion with the court, for the State as *parens patriae* in the action.”

**SA 2178.** Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) In this section:

(1) The term “Conservation Area” means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term “County” means Clark County, Nevada.

(3)(A) The term “helicopter tour” means a commercial helicopter tour operated for profit.

(B) The term “helicopter tour” does not include helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Wilderness” means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a \$3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) ½ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) ½ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

**SA 2179.** Mr. BOND (for Mr. DURBIN for himself and Mr. OBAMA) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

**SEC. 724. REPORT ON EVERGREEN TERRACE.**

(a) **IN GENERAL.**—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen Terrace I and Evergreen Terrace II housing complexes located in Joliet, Illinois, by the owners of such complexes.

(b) **INTERIM REPORT.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress an interim report on the findings of the study required under subsection (a).

(c) **FINAL REPORT.**—Not later than 12 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a final report that describes—

(1) the findings of the study required under subsection (a); and

(2) any conclusions and recommendations of such study.

**SA 2180.** Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 432, line 22, strike “2006.” and insert “2007.”

On page 433, line 5, strike “\$6,000,000” and insert “\$10,000,000”

On page 433, line 9, insert after “upgrades” the following: “, including the replacement of the fuel farm facility”

**SA 2181.** Mr. STEVENS (for himself, Ms. MURKOWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. .** No funds provided under Section 1702 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) for the construction or reconstruction of any bridge shall be expended until nonemerging funds have been made available for the re-

pair of the Twin Spans Bridge connecting New Orleans and Slidell, Louisiana.

**SA 2182.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

**SEC. . PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.**

(a) **IN GENERAL.**—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

**(b) WAIVERS.—**

(1) **IN GENERAL.**—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) **REPORT TO CONGRESS.**—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) **EXCEPTION.**—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

**SA 2183.** Mr. BOND (for Mr. FRIST for himself, Mrs. DOLE, and Mrs. BOXER) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 310, line 16, after “tribal areas”, insert the following: “, and of which \$5,000,000 shall be for capacity building activities administered by Habitat for Humanity International”.

**SA 2184.** Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, after line 22, insert the following:

**“SEC. .** Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-447 (House Report 108-792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho.”

**SA 2185.** Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 383, strike line 21 and all that follows through line 6 on page 384.

**SA 2186.** Mr. BOND (for Mr. NELSON of Florida (for himself and Mr. SMITH)) proposed an amendment to bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

**SA 2187.** Mr. BOND (for Mr. LOTT (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 250, line 9, strike “*Provided*, That,” and all that follows through page 252, line 17, and insert “*Provided*, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: *Provided further*, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: *Provided further*, That of the funds provided under this section, not less than \$5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.”.

**SA 2188.** Mr. BOND (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 227, line 7, strike the period and insert the following: “: *Provided further*, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport’s runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.”

**SA 2189.** Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. 2190. ALL-TERRAIN VEHICLES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or wholesale distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of—

(i) the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA-1-2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the Commission;

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the Commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term “ATV” means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, UNITED STATES.—The terms “Commission”, “distribution in commerce”, “to distribute in commerce”, and “United States” have the

meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

**SA 2190.** Mr. BOND (for Mr. COBURN) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

**SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.**

(a) ESTIMATE.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300).

(b) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) FAILURE TO REPORT.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the community development block grant program shall be halted until such report is submitted.

**SA 2191.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.**

(a) PUBLIC HOUSING AGENCIES.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated \$362,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies shall be entitled to reimbursement for utility cost increases from funds made available under paragraph (1), upon submission of proof to the Secretary of such increases.

(b) SECTION 8 RESIDENTS.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated \$498,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(3) PAYMENT STANDARD.—The payment standard limitation under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

(c) EMERGENCY DESIGNATION.—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

**SA 2192.** Mr. BINGAMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 290, between lines 14 and 15, insert the following:

SEC. \_\_\_\_\_. Of the funds made available by this Act to the Internal Revenue Service, not less than \$10,000,000 shall be available for grants to provide matching funds for the development, expansion, or continuation of not-for-profit and volunteer tax return preparation clinics serving low-income taxpayers under a program similar to the low-income taxpayer clinics program under section 7526 of the Internal Revenue Code of 1986.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 20, 2005, at 10 a.m. to conduct a hearing on “Implementation of the Exxon-Florio Amendment and the Committee on Foreign Investment in the United States.”

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 10 a.m., on Domestic Passenger and Freight Rail Safety.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 2 p.m., on pending Committee business. Senate Commerce Committee Chairman Ted Stevens, R-Alaska, and Co-Chairman Daniel Inouye, D-Hawaii, have rescheduled this week’s Full Committee markup for Thursday, October 20, 2005 at 2 p.m., previously scheduled for Wednesday, October 19, 2005, at 2:30 p.m. The mark-up is open to the public. A location for this mark-up will be announced when available. Following is the agenda, not necessarily in order of consideration: S. \_\_\_, The DTV bill; S. 1753, The Warning, Alert, and Response Network Act; S. 967, The Truth in Broadcasting Act of 2005; and S. 1063, The IP-Enabled Voice Communications and Public Safety Act of 2005.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 20 at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 20, 2005, at 9:30 a.m. to hold a hearing on Nominations.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, October 20, 2005 at 2 p.m. in SD-430.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, October 20, 2005, at 9:30 a.m. for a hearing titled, “Hurricane Katrina in New Orleans: A Flooded City, a Chaotic Response.”

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

##### COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 20, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

##### Agenda

###### I. Nominations

Susan Neilson to be U.S. Circuit Judge for the Sixth Circuit;

John Richard Smoak to be U.S. District Judge for the Northern District of Florida;

Brian Edward Sandoval to be U.S. District Judge for the District of Nevada.

Harry Sandlin Mattice, Jr. to be U.S. District Judge for the Eastern District of Tennessee;

Margaret Mary Sweeney to be a Judge of the United States Court of Federal Claims;

Thomas Craig Wheeler to be a Judge of the United States Court of Federal Claims;

Wan Kim to be an Assistant Attorney General, Civil Rights Division;

Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel;

Sue Ellen Wooldridge to be an Assistant Attorney General, Environment and Natural Resources Division; and

Thomas O. Barnett to be an Assistant Attorney General, Antitrust Division.

###### II. Bills

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1326, Notification of Risk to Personal Data Act, Sessions;

S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer;

S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold;

S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX;

S. 443, Antitrust Criminal Investigative Improvements Act of 2005, DeWine, Kohl, Leahy;

S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S. , Budget Reconciliation [Chairman’s Mark].