

the amendments made by subsection (a) [amending this section].

“(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act [45 U.S.C. 151 et seq.].

“(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

“(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

“(A) the date on which labor agreements under negotiation on the date of enactment of this Act [Dec. 2, 1997] may be re-opened; or

“(B) November 1, 1999, whichever is earlier;

“(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

“(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

“(d) FURLOUGHED WORK.—Amtrak may not contract out work within the classification of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period such employee has been laid off and has not been recalled to perform such work.

“(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

“(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

“(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).

“(f) NO INFERENCE.—The amendment made by subsection (a)(1) [amending this section] is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.”

§ 24313. Rail safety system program

In consultation with rail labor organizations, Amtrak shall maintain a rail safety system program for employees working on property owned by Amtrak. The program shall be a model for other rail carriers to use in developing safety programs. The program shall include—

(1) periodic analyses of accident information, including primary and secondary causes;

(2) periodic evaluations of the activities of the program, particularly specific steps taken in response to an accident;

(3) periodic reports on amounts spent for occupational health and safety activities of the program;

(4) periodic reports on reduced costs and personal injuries because of accident prevention activities of the program;

(5) periodic reports on direct accident costs, including claims related to accidents; and

(6) reports and evaluations of other information Amtrak considers appropriate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 917.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24313	45:646.	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §807; added Oct. 5, 1978, Pub. L. 95-421, §13, 92 Stat. 929.

In this section, before clause (1), the words “No later than January 1, 1979” are omitted as executed. The word “maintain” is substituted for “develop and implement” for clarity. The words “designed to serve as” and “required under this section” are omitted as surplus. In clause (1), the words “if known” are omitted as surplus. In clause (2), the words “undertaken” and “causes” are omitted as surplus. In clauses (3)–(6), the word “reports” is substituted for “identification” for clarity. In clause (3), the word “included” is omitted as surplus. In clause (4), the words “personal injuries” are substituted for “fatalities, and casualties” for consistency in the revised title. The word “activities” is added for clarity. In clause (6), the words “or data” and “necessary or” are omitted as surplus.

Statutory Notes and Related Subsidiaries

COMPREHENSIVE RAIL SAFETY REVIEW OF AMTRAK

Pub. L. 117-58, div. B, title II, §22407, Nov. 15, 2021, 135 Stat. 739, provided that:

“(a) COMPREHENSIVE SAFETY ASSESSMENT.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall—

“(1) conduct a focused review of Amtrak’s safety-related processes and procedures, compliance with safety regulations and requirements, and overall safety culture; and

“(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes the findings and recommendations resulting from such assessment.

“(b) PLAN.—

“(1) INITIAL PLAN.—Not later than 6 months after the completion of the comprehensive safety assessment under subsection (a)(1), Amtrak shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for addressing the findings and recommendations raised in the comprehensive safety assessment.

“(2) ANNUAL UPDATES.—Amtrak shall submit annual updates of its progress toward implementing the plan submitted pursuant to paragraph (1) to the committees listed in such paragraph.”

§ 24314. Repealed. Pub. L. 105-134, title IV, § 404, Dec. 2, 1997, 111 Stat. 2586]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 917; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to Amtrak developing plan for demonstrating new technology that may increase train speed in intercity rail passenger system.

§ 24315. Reports and audits

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Not later than February 15 of each year, Amtrak shall submit to Congress a report that—

(1) for each route on which Amtrak provided intercity rail passenger transportation during the prior fiscal year, includes information on—

- (A) ridership;
- (B) passenger-miles;
- (C) the short-term avoidable profit or loss for each passenger-mile;
- (D) the revenue-to-cost ratio;
- (E) revenues;
- (F) the United States Government subsidy;
- (G) the subsidy not provided by the United States Government;
- (H) on-time performance; and
- (I) any change made to a route's or service's frequency or station stops;

(2) provides relevant information about a decision to pay an officer of Amtrak more than the rate for level I of the Executive Schedule under section 5312 of title 5; and

(3) specifies—

- (A) significant operational problems Amtrak identifies; and
- (B) proposals by Amtrak to solve those problems.

(b) AMTRAK GENERAL AND LEGISLATIVE ANNUAL REPORT.—(1) Not later than February 15 of each year, Amtrak shall submit to the President and Congress a complete report of its operations, activities, and accomplishments, including a statement of revenues and expenditures for the prior fiscal year. The report—

(A) shall include a discussion and accounting of Amtrak's success in meeting the goal described in section 24902(a);

(B) may include recommendations for legislation, including the amount of financial assistance needed for operations and capital improvements, the method of computing the assistance, and the sources of the assistance;

(C) shall incorporate the category described in section 24319(c)(2)(C);

(D) shall include an action plan for bringing Amtrak-served stations that are not in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) into compliance with such Act, as required by the settlement agreement entered into in 2020 between Amtrak and the Department of Justice;

(E) shall include a status report on—

(i) Amtrak-served stations for which Amtrak is solely responsible for compliance with such Act based on a station assessment carried out by Amtrak, including a timeline for any required compliance with such Act, as required by the settlement agreement;

(ii) Amtrak-served stations for which Amtrak has a shared responsibility for compliance with such Act based on a station assessment carried out by Amtrak or by the party responsible for such compliance, including a timeline for any required compliance with such Act for the portions of the station for which Amtrak is the responsible party consistent with the terms of the settlement agreement, identifying who is responsible for compliance (and the status of the compliance of each responsible party with such Act) for such portions and the timeline for compliance in cases in which Amtrak is not the responsible party; and

(iii) the status of compliance with such Act for all Amtrak-served stations for which Amtrak is not the responsible party, nor is responsible for a portion of the station, and identify the entity or entities that have responsibility for compliance with such Act, based on a station assessment carried out by Amtrak or the party responsible under such Act.

(2) Amtrak may submit reports to the President and Congress at other times Amtrak considers desirable.

(3) Amtrak may meet the requirements described in clauses (ii) and (iii) of paragraph (1)(E) by demonstrating that Amtrak took reasonable measures to obtain cooperation from responsible entities.

(4) Amtrak shall submit the action plan and status report required under subparagraphs (D) and (E) of paragraph (1)—

(A) annually while the settlement agreement referred to in paragraph (1)(D) is in effect; and

(B) every 5 years beginning on the first day the settlement is no longer in effect.

(c) SECRETARY'S REPORT ON EFFECTIVENESS OF THIS PART.—The Secretary of Transportation shall prepare a report on the effectiveness of this part in meeting the requirements for a balanced transportation system in the United States. The report may include recommendations for legislation. The Secretary shall include this report as part of the annual report the Secretary submits under section 308(a) of this title.

(d) INDEPENDENT AUDITS.—An independent certified public accountant shall audit the financial statements of Amtrak each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be included in the report required by subsection (a) of this section.

(e) COMPTROLLER GENERAL AUDITS.—The Comptroller General may conduct performance audits of the activities and transactions of Amtrak. Each audit shall be conducted at the place at which the Comptroller General decides and under generally accepted management principles. The Comptroller General may prescribe regulations governing the audit.

(f) AVAILABILITY OF RECORDS AND PROPERTY OF AMTRAK AND RAIL CARRIERS.—Amtrak and, if required by the Comptroller General, a rail carrier with which Amtrak has made a contract for intercity rail passenger transportation shall make available for an audit under subsection (d) or (e) of this section all records and property of, or used by, Amtrak or the carrier that are necessary for the audit. Amtrak and the carrier shall provide facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. Amtrak and the carrier may keep all reports and property.

(g) COMPTROLLER GENERAL'S REPORT TO CONGRESS.—The Comptroller General shall submit to Congress a report on each audit, giving comments and information necessary to inform Congress on the financial operations and condition of Amtrak and recommendations related to

those operations and conditions. The report also shall specify any financial transaction or undertaking the Comptroller General considers is carried out without authority of law. When the Comptroller General submits a report to Congress, the Comptroller General shall submit a copy of it to the President, the Secretary, and Amtrak at the same time.

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

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 918; Pub. L. 105-134, title II, §206, Dec. 2, 1997, 111 Stat. 2584; Pub. L. 117-58, div. B, title II, §§22204(a), 22206(c)(1), Nov. 15, 2021, 135 Stat. 699, 702; Pub. L. 118-205, §2, Dec. 23, 2024, 138 Stat. 2697.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24315(a)	45:548(a).	Oct. 30, 1970, Pub. L. 91-518, §308(a), 84 Stat. 1333; June 22, 1972, Pub. L. 92-316, §4, 86 Stat. 228; Sept. 29, 1979, Pub. L. 96-73, §113, 93 Stat. 542; Aug. 13, 1981, Pub. L. 97-35, §1180(a), 95 Stat. 693; restated Apr. 7, 1986, Pub. L. 99-272, §4005, 100 Stat. 107; June 22, 1988, Pub. L. 100-342, §18(d), 102 Stat. 637.
24315(b)	45:548(b).	Oct. 30, 1970, Pub. L. 91-518, §308(b), 84 Stat. 1333; restated June 22, 1972, Pub. L. 92-316, §4, 86 Stat. 229; Nov. 3, 1973, Pub. L. 93-146, §8, 87 Stat. 551; May 26, 1975, Pub. L. 94-25, §4(a), 89 Stat. 90.
	45:851(d)(2).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §701(d)(2); added May 30, 1980, Pub. L. 96-254, §205, 94 Stat. 412.
24315(c)	45:548(c).	Oct. 30, 1970, Pub. L. 91-518, §308(c), 84 Stat. 1333; restated June 22, 1972, Pub. L. 92-316, §4, 86 Stat. 229; May 26, 1975, Pub. L. 94-25, §4(b), 89 Stat. 90; Aug. 13, 1981, Pub. L. 97-35, §1180(b), 95 Stat. 693.
24315(d)	45:644(1)(A) (1st, 2d sentences), (B).	Oct. 30, 1970, Pub. L. 91-518, §805(1), 84 Stat. 1340.
24315(e)	45:644(2)(A) (1st, 2d sentences).	Oct. 30, 1970, Pub. L. 91-518, §805(2)(A), 84 Stat. 1340; Oct. 28, 1974, Pub. L. 93-496, §11, 88 Stat. 1531; Apr. 7, 1986, Pub. L. 99-272, §4007(a), 100 Stat. 108.
24315(f)	45:644(1)(A) (last sentence), (2)(A) (3d, last sentences), (2)(B).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §805(2)(B); added June 22, 1972, Pub. L. 92-316, §11(2), 86 Stat. 233; Apr. 7, 1986, Pub. L. 99-272, §4007(a)(2), 100 Stat. 108.
24315(g)	45:644(2)(C).	Oct. 30, 1970, Pub. L. 91-518, §805(2)(C), 84 Stat. 1340; June 22, 1972, Pub. L. 92-316, §11(2), 86 Stat. 233.

In subsection (a)(2), the words “to . . . compensation” and “prescribed” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “(beginning with 1973)” are omitted as executed. The word “complete” is substituted for “comprehensive and detailed” to eliminate unnecessary words. The words “under this chapter” are omitted as surplus. The word “revenues” is substituted for “receipts” for consistency. In clause (B), the words “may include recommendations for legislation” are substituted for “At the time of its annual report, the Corporation shall

submit such legislative recommendations as it deems desirable”, the words “the method of computing the assistance” are substituted for “the manner and form in which the amount of such assistance should be computed”, and the words “of the assistance” are substituted for “from which such assistance should be derived”, to eliminate unnecessary words.

In subsection (c), the words “(beginning with 1974)” are omitted as executed. The word “prepare” is substituted for “transmit to the President and to the Congress by March 15 of each year” for clarity because the report is now part of the annual report under 49:308(a). The words “Beginning in 1976” are omitted as executed. The word “Secretary” is substituted for “Department of Transportation” because of 49:102(b). The words “submits under section 308(a) of this title” are substituted for “to the Congress” for clarity.

In subsection (d), the words “independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States” are omitted as obsolete because only certified public accountants are used for the audit. Only noncertified public accountants licensed before December 30, 1970, who were already conducting audits were allowed to continue. The words “or places” are omitted because of 1:1. The words “financial statements” are substituted for “accounts” because audits are performed on financial statements, not accounts. The words “independent” and “annual” are omitted as surplus. The text of 45:644(1)(B) (last sentence) is omitted as surplus because those requirements are included in “generally accepted auditing standards”.

In subsection (e), the word “rules” is omitted as being synonymous with “regulations”. The words “or places” are omitted because of 1:1. The word “appropriate” is omitted as surplus.

In subsection (f), the words “if required” are substituted for “To the extent . . . deems necessary” to eliminate unnecessary words. The words “the person conducting”, “The representatives of the Comptroller General”, “his representatives”, “as he may make of the financial transactions of the Corporation”, “things, or”, and “full” are omitted as surplus. The words “may keep” are substituted for “shall remain in possession and custody of” and “shall remain in the possession and custody of” to eliminate unnecessary words.

In subsection (g), the word “giving” is substituted for “The report to the Congress shall contain such” to eliminate unnecessary words. The words “as the Comptroller General may deem”, “as he may deem advisable”, “program, expenditure or other”, “observed in the course of the audit”, and “or made” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990 and such Act, referred to in subsec. (b)(1)(D), (E), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

AMENDMENTS

2024—Subsec. (b)(1)(D), (E). Pub. L. 118-205, §2(1), added subpars. (D) and (E).

Subsec. (b)(3), (4). Pub. L. 118-205, §2(2), added pars. (3) and (4).

2021—Subsec. (a)(1)(I). Pub. L. 117-58, §22204(a), added subpar. (I).

Subsec. (b)(1)(A). Pub. L. 117-58, §22206(c)(1)(A), substituted “the goal described in section 24902(a);” for “the goal of section 24902(b) of this title; and”.

Subsec. (b)(1)(C). Pub. L. 117-58, §22206(c)(1)(B), (C), added subpar. (C).

1997—Subsec. (h). Pub. L. 105-134 added subsec. (h).

Statutory Notes and Related Subsidiaries**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of provisions in subsecs. (a), (b)(1), (c), and (d) of this section relating to requirements to submit regular periodic reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, the 3rd item on page 176 and the 6th and 7th items on page 204 of House Document No. 103-7.

FUNDING FOR VALUATION OF AMTRAK'S ASSETS

Pub. L. 108-447, div. H, title I, Dec. 8, 2004, 118 Stat. 3221, provided in part: "That the Secretary of Transportation is authorized to retain up to \$4,000,000 of the funds provided to be used to retain a consultant or consultants to assist the Secretary in preparing a comprehensive valuation of Amtrak's assets to be completed not later than September 30, 2005: *Provided further*, That these funds shall be available to the Secretary of Transportation until expended: *Provided further*, That this valuation shall be used to retain a consultant or consultants to develop to the Secretary's satisfaction a methodology for determining the avoidable and fully allocated costs of each Amtrak route: *Provided further*, That once the Secretary has approved the methodology for determining the avoidable and fully allocated costs of each Amtrak route, Amtrak shall apply that methodology in compiling an annual report to Congress on the avoidable and fully allocated costs of each of its routes, with the initial report for fiscal year 2005 to be submitted to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation before December 31, 2005, and each subsequent report to be submitted within 90 days after the end of the fiscal year to which the report pertains."

REPORTS ON OPERATING LOSSES

Pub. L. 108-7, div. I, title III, §350, Feb. 20, 2003, 117 Stat. 419, provided that: "On February 15, 2003, and on each year thereafter, the National Railroad Passenger Corporation shall submit to the appropriate Congressional Committees a report detailing the per passenger operating loss on each rail line."

AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS

Pub. L. 105-134, title IV, §414, Dec. 2, 1997, 111 Stat. 2589, provided that: "If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

- "(1) the name of the individual or firm involved;
- "(2) the purpose of the contract or arrangement;
- and
- "(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act [Dec. 2, 1997]."

§ 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 Rail Safety Improvement Act of 2008, a rail pas-

senger carrier shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a rail passenger carrier intercity train and resulting in any loss of life.

(b) **CONTENTS OF PLANS.**—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

(1) A process by which a rail passenger carrier will maintain and provide to the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security 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 the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.

(3) 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.

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

(5) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

(6) 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 the control of the rail passenger carrier and by which any possession of the passenger within the control of the rail passenger carrier (regardless of its condition)—

(A) will be retained by the rail passenger carrier for at least 18 months; and

(B) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) 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.

(8) An assurance that the rail passenger carrier will provide adequate training to the em-