

104TH CONGRESS  
1ST SESSION

# H. R. 1788

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1995

Ms. MOLINARI (for herself and Mr. SHUSTER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amtrak Reform and  
5 Privatization Act of 1995”.

6 **TITLE I—PROCUREMENT**  
7 **REFORMS**

8 **SEC. 101. CONTRACTING OUT.**

9 Section 24312(b) of title 49, United States Code, is  
10 amended to read as follows:

1       “(b) CONTRACTING OUT.—Notwithstanding any ar-  
2 rangement in effect on the date of the enactment of the  
3 Amtrak Reform and Privatization Act of 1995, Amtrak,  
4 in order to realize demonstrable economic benefits, may  
5 contract out work normally performed by an employee of  
6 a bargaining unit covered by a contract between a labor  
7 organization and Amtrak or a rail carrier that provided  
8 intercity rail passenger transportation on October 30,  
9 1970.”.

10 **SEC. 102. CONTRACTING PRACTICES.**

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

14       “(b) BELOW-COST COMPETITION.—(1) Amtrak shall  
15 not submit any bid for the performance of services under  
16 a contract for an amount less than the cost to Amtrak  
17 of performing such services, with respect to any activity  
18 other than the provision of intercity rail passenger trans-  
19 portation, commuter rail passenger transportation, or mail  
20 or express transportation. For purposes of this subsection,  
21 the cost to Amtrak of performing services shall be deter-  
22 mined using generally accepted accounting principles for  
23 contracting.

24       “(2) Any aggrieved individual may commence a civil  
25 action for violation of paragraph (1). The United States

1 district courts shall have jurisdiction, without regard to  
2 the amount in controversy or the citizenship of the parties,  
3 to enforce paragraph (1). The court, in issuing any final  
4 order in any action brought pursuant to this paragraph,  
5 may award bid preparation costs, anticipated profits, and  
6 litigation costs, including reasonable attorney and expert  
7 witness fees, to any prevailing or substantially prevailing  
8 party. The court may, if a temporary restraining order  
9 or preliminary injunction is sought, require the filing of  
10 a bond or equivalent security in accordance with the Fed-  
11 eral Rules of Civil Procedure.”.

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

16 “(3)(A) Except as provided in subsection (d)(2), Am-  
17 trak may enter into a contract with a motor carrier of  
18 passengers for the intercity transportation of passengers  
19 by motor carrier over regular routes only if—

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

1           “(ii) the passengers have had prior movement  
2           by rail or will have subsequent movement by rail;  
3           and

4           “(iii) the buses, when used in the provision of  
5           such transportation, are used exclusively for the  
6           transportation of passengers described in clause (ii).

7           “(B) Subparagraph (A) shall not apply to transpor-  
8           tation funded in whole or in part by a State or local gov-  
9           ernment, or to ticket selling agreements.”.

10          (2) Section 24305(d) of title 49, United States Code,  
11          is amended by adding at the end the following new para-  
12          graph:

13          “(3) Congress encourages Amtrak and motor com-  
14          mon carriers of passengers to use the authority conferred  
15          in section 11342(a) of this title for the purpose of provid-  
16          ing improved service to the public and economy of oper-  
17          ation.”.

18          **SEC. 103. FREEDOM OF INFORMATION ACT.**

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

1                   **TITLE II—OPERATIONAL**  
2                                   **REFORMS**

3   **SEC. 201. BASIC SYSTEM.**

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

8           (b) IMPROVING RAIL PASSENGER TRANSPOR-  
9 TATION.—Section 24702 of title 49, United States Code,  
10 and the item relating thereto in the table of sections of  
11 chapter 247 of such title, are repealed.

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

14               (1) in subsection (a)(1)—

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

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

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

23               (2) in subsection (a)(2), by striking “section  
24               24704 or 24707(a) or (b) of this title” and inserting  
25               in lieu thereof “paragraph (1)”; and

1 (3) by striking subsection (b).

2 (d) COST AND PERFORMANCE REVIEW.—Section  
3 24707 of title 49, United States Code, and the item relat-  
4 ing thereto in the table of sections of chapter 247 of such  
5 title, are repealed.

6 (e) SPECIAL COMMUTER TRANSPORTATION.—Section  
7 24708 of title 49, United States Code, and the item relat-  
8 ing thereto in the table of sections of chapter 247 of such  
9 title, are repealed.

10 (f) CONFORMING AMENDMENT.—Section  
11 24312(a)(1) of title 49, United States Code, is amended  
12 by striking “, 24701(a),”.

13 **SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**  
14 **TATION.**

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

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

21 “(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—  
22 State and local laws and regulations that impair the provi-  
23 sion of mail, express, and auto-ferry transportation do not  
24 apply to Amtrak or a rail carrier providing mail, express,  
25 or auto-ferry transportation.”.

1 **SEC. 203. ROUTE AND SERVICE CRITERIA.**

2 Section 24703 of title 49, United States Code, and  
3 the item relating thereto in the table of sections of chapter  
4 247 of such title, are repealed.

5 **SEC. 204. ADDITIONAL QUALIFYING ROUTES.**

6 Section 24705 of title 49, United States Code, and  
7 the item relating thereto in the table of sections of chapter  
8 247 of such title, are repealed.

9 **SEC. 205. TRANSPORTATION REQUESTED BY STATES, AU-**  
10 **THORITIES, AND OTHER PERSONS.**

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

14 (b) **EXISTING AGREEMENTS.**—Amtrak shall not,  
15 after the date of the enactment of this Act, be required  
16 to provide transportation services pursuant to an agree-  
17 ment entered into before such date of enactment under  
18 the section repealed by subsection (a) of this section.

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

23 (d) **CONFORMING AMENDMENT.**—Section  
24 24312(a)(1) of title 49, United States Code, is amended  
25 by striking “or 24704(b)(2)”.

1 **SEC. 206. AMTRAK COMMUTER.**

2 (a) REPEAL OF CHAPTER 245.—Chapter 245 of title  
3 49, United States Code, and the item relating thereto in  
4 the table of chapters of subtitle V of such title, are re-  
5 pealed.

6 (b) CONFORMING AMENDMENTS.—(1) Section  
7 24301(f) of title 49, United States Code, is amended to  
8 read as follows:

9 “(f) TAX EXEMPTION FOR CERTAIN COMMUTER AU-  
10 THORITIES.—A commuter authority that was eligible to  
11 make a contract with Amtrak Commuter to provide com-  
12 muter rail passenger transportation but which decided to  
13 provide its own rail passenger transportation beginning  
14 January 1, 1983, is exempt, effective October 1, 1981,  
15 from paying a tax or fee to the same extent Amtrak is  
16 exempt.”.

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

20 **SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST**  
21 **CORRIDOR.**

22 (a) DETERMINATION OF COMPENSATION.—(1) Sec-  
23 tion 24904(c)(2) of title 49, United States Code, is  
24 amended—

25 (A) by striking “between intercity rail pas-  
26 senger and rail freight transportation” and inserting

1 in lieu thereof “among intercity rail passenger, com-  
2 muter rail passenger, and rail freight transpor-  
3 tation”;

4 (B) by inserting “commuter rail carrier or”  
5 after “Commission shall assign to a”; and

6 (C) by adding at the end the following new sen-  
7 tence: “In the case of commuter rail passenger  
8 transportation, the costs to be reimbursed shall not  
9 include any Amtrak general or administrative costs,  
10 corporate overhead costs, or return on investment  
11 costs for assets paid for with Federal or State  
12 funds.”.

13 (2) The amendments made by paragraph (1) of this  
14 subsection shall take effect 2 years after the date of the  
15 enactment of this Act.

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

18 “(d) MINIMIZING GOVERNMENT SUBSIDIES.—To  
19 carry out this part, Amtrak is encouraged to make agree-  
20 ments with the private sector and undertake initiatives  
21 that are consistent with good business judgment, that  
22 produce income to minimize Government subsidies, and  
23 that promote the potential privatization of Amtrak’s oper-  
24 ations.”.

1 **SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.**

2 Section 24315 of title 49, United States Code, is  
3 amended by adding at the end the following new sub-  
4 section:

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

9 **TITLE III—EMPLOYEE**  
10 **PROTECTION REFORMS**

11 **SEC. 301. SERVICE DISCONTINUANCE.**

12 (a) REPEAL.—Section 24706 of title 49, United  
13 States Code, is amended by striking subsection (c).

14 (b) INCORPORATION INTO COLLECTIVE BARGAINING  
15 CONTRACTS.—The requirements of section 24706(c) of  
16 title 49, United States Code, and all arrangements, agree-  
17 ments, and conditions thereunder, as in effect before the  
18 date of enactment of this Act, shall become a part of the  
19 collective bargaining contracts between Amtrak and all  
20 labor organizations which have such contracts with Am-  
21 trak. Such requirements shall be subject to collective bar-  
22 gaining under the Railway Labor Act.

23 (c) RAILWAY LABOR ACT PROCEDURES.—(1) Not-  
24 withstanding any arrangement in effect before the date  
25 of the enactment of this Act, notices under section 6 of  
26 the Railway Labor Act (45 U.S.C. 156) with respect to

1 all rates of pay, rules, and working conditions governed  
2 by section 24706(c) of title 49, United States Code, shall  
3 be deemed served and effective on the date of the enact-  
4 ment of this Act. Each affected labor organization rep-  
5 resenting Amtrak employees, and Amtrak, shall promptly  
6 supply specific information and proposals with respect to  
7 each such notice.

8 (2) Except as provided in paragraph (3), the National  
9 Mediation Board shall complete all efforts, with respect  
10 to each dispute described in paragraph (1), under section  
11 5 of the Railway Labor Act (45 U.S.C. 155) not later than  
12 270 days after the date of the enactment of this Act.

13 (3) The parties to any dispute described in paragraph  
14 (1) may agree to submit the dispute to arbitration under  
15 section 7 of the Railway Labor Act (45 U.S.C. 157), and  
16 any award resulting therefrom shall be retroactive to the  
17 date which is 270 days after the date of the enactment  
18 of this Act.

19 (4) With respect to any dispute described in para-  
20 graph (1) which—

21 (A) is unresolved as of the date which is 270  
22 days after the date of the enactment of this Act; and

23 (B) is not submitted to arbitration as described  
24 in paragraph (3),

1 the President shall appoint an Emergency Board under  
2 section 10 of the Railway Labor Act (45 U.S.C. 160). No  
3 extensions of the schedule provided for in such section 10  
4 shall be permitted. In any work stoppage or other self-  
5 help occurring after the completion of the procedures re-  
6 quired by such section 10, the penalties described in sec-  
7 tion 9A(i) and (j) of the Railway Labor Act (45 U.S.C.  
8 159a(i) and (j)) shall apply to both Amtrak and its em-  
9 ployees.

10 (d) NO EFFECT ON CERTAIN AGREEMENTS.—The  
11 amendment made by subsection (a) shall not affect the  
12 validity of any agreement entered into before the date of  
13 the enactment of this Act under section 11347 or 5333  
14 of title 49, United States Code.

15 (e) INTERCITY PASSENGER SERVICE EMPLOYEES.—  
16 (1) Section 1165 of the Northeast Rail Service Act of  
17 1981 (45 U.S.C. 1113) is amended by striking “(a) After  
18 January 1, 1983” and all that follows through “(b) Con-  
19 rail employees” and inserting in lieu thereof “Conrail em-  
20 ployees”.

21 (2) Any contract or agreement entered into before the  
22 date of the enactment of this Act, pursuant to such section  
23 1165(a), shall be unenforceable and void to the extent it  
24 relates to the requirements of such subsection.

1 (f) TECHNICAL AMENDMENT.—Section 11347 of title  
2 49, United States Code, is amended by striking “sections  
3 24307(c), 24312, and” and inserting in lieu thereof “sec-  
4 tion”.

5 **TITLE IV—USE OF RAILROAD**  
6 **FACILITIES**

7 **SEC. 401. COMPENSATION.**

8 (a) COMPENSATION DETERMINATION.—Section  
9 24308 of title 49, United States Code, is amended in sub-  
10 section (a)(2)(B) by inserting “If the facilities for which  
11 compensation is sought are owned or provided by a com-  
12 muter authority or a regional transportation authority, no  
13 cross-subsidization shall be permitted by the Commission  
14 among intercity rail passenger, commuter rail passenger,  
15 and rail freight transportation.” after “and providing the  
16 services.”.

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

21 **SEC. 402. LIABILITY LIMITATION.**

22 (a) AMENDMENT.—Chapter 281 of title 49, United  
23 States Code, is amended by adding at the end the follow-  
24 ing new section:

1 **“§ 28103. Limitations on rail passenger transpor-**  
2 **tation liability**

3 “(a) LIMITATIONS.—(1) Notwithstanding any other  
4 statutory or common law or public policy, or the nature  
5 of the conduct giving rise to damages or liability, in a  
6 claim for personal injury, death, or damage to property  
7 arising from or in connection with the provision of rail  
8 passenger transportation, or from or in connection with  
9 any operations over or use of right-of-way or facilities  
10 owned, leased, or maintained by Amtrak, or from or in  
11 connection with any rail passenger transportation oper-  
12 ations over or rail passenger transportation use of right-  
13 of-way or facilities owned, leased, or maintained by any  
14 high-speed railroad authority or operator, any commuter  
15 authority or operator, or any rail carrier, punitive dam-  
16 ages shall not exceed the greater of—

17 “(A) \$250,000; or

18 “(B) three times the amount of economic dam-  
19 ages.

20 “(2) For purposes of this subsection, the term ‘claim’  
21 means a claim made, directly or indirectly—

22 “(A) against Amtrak, any high-speed railroad  
23 authority or operator, any commuter authority or  
24 operator, or any rail carrier; or

25 “(B) against an affiliate engaged in railroad op-  
26 erations, officer, employee, or agent of, Amtrak, any

1 high-speed railroad authority or operator, any com-  
2 muter authority or operator, or any rail carrier.

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

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

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

“28103. Limitations on rail passenger transportation liability.”.

## 21 **TITLE V—FINANCIAL REFORMS**

### 22 **SEC. 501. FINANCIAL POWERS.**

23 (a) CAPITALIZATION.—Section 24304 of title 49,  
24 United States Code, and the item relating thereto in the  
25 table of sections of chapter 243, are repealed.

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

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

10 (3) Amtrak may redeem any such common stock held  
11 after the expiration of the 2-month period described in  
12 paragraph (1), using procedures set forth in section  
13 24311(a) and (b).

14 (c) SURRENDER OF PREFERRED STOCK.—The Sec-  
15 retary of Transportation shall surrender all rights held in  
16 connection with the issuance of the preferred stock of Am-  
17 trak.

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

22 (2) The United States hereby relinquishes all rights  
23 held in connection with any note obtained or mortgage  
24 made under such section 24907, or in connection with the

1 note, security agreement, and terms and conditions related  
2 thereto entered into with Amtrak dated October 5, 1983.

3 (3) This subsection and subsection (c) shall take ef-  
4 fect 6 months after the date of the enactment of this Act.

5 (e) STATUS AND APPLICABLE LAWS.—(1) Section  
6 24301(a)(3) of title 49, United States Code, is amended  
7 by inserting “, and shall not be subject to title 31, United  
8 States Code” after “United States Government”.

9 (2) Section 9101(2) of title 31, United States Code,  
10 relating to Government corporations, is amended by strik-  
11 ing subparagraph (A) and redesignating subparagraphs  
12 (B) through (M) as subparagraphs (A) through (L), re-  
13 spectively.

14 **SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.**

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

17 “(d) ADMINISTRATION OF APPROPRIATIONS.—Funds  
18 appropriated pursuant to this section shall be provided to  
19 Amtrak upon appropriation when requested by Amtrak.”.

20 **SEC. 503. BOARD OF DIRECTORS.**

21 (a) REPEAL.—Section 24302 of title 49, United  
22 States Code, and the item relating thereto in the table of  
23 sections of chapter 243 of such title, are repealed.

24 (b) NO CHANGE OF MEMBERSHIP REQUIRED.—  
25 Nothing in subsection (a) shall be construed to require any

1 change in the membership of the Board of Directors of  
2 Amtrak on the date of the enactment of this Act.

3 **SEC. 504. REPORTS AND AUDITS.**

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

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

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

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

13 **SEC. 505. OFFICERS’ PAY.**

14 Section 24303(b) of title 49, United States Code, is  
15 amended by striking the second sentence thereof.

16 **SEC. 506. EXEMPTION FROM TAXES.**

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

19 (1) by inserting “, and any passenger or other  
20 customer of Amtrak or such subsidiary,” after “sub-  
21 sidiary of Amtrak”;

22 (2) by striking “or fee imposed” and all that  
23 follows through “levied on it” and inserting in lieu  
24 thereof “, fee, head charge, or other charge, imposed  
25 or levied by a State, political subdivision, or local

1 taxing authority, directly or indirectly on Amtrak or  
2 on persons traveling in intercity rail passenger  
3 transportation or on mail or express transportation  
4 provided by Amtrak or such a subsidiary, or on the  
5 carriage of such persons, mail, or express, or on the  
6 sale of any such transportation, or on the gross re-  
7 ceipts derived therefrom”; and

8 (3) by striking the last sentence thereof.

## 9 **TITLE VI—MISCELLANEOUS**

### 10 **SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.**

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

15 (b) DUTIES.—The Council shall—

16 (1) evaluate Amtrak’s performance;

17 (2) prepare an analysis and critique of Am-  
18 trak’s business plan;

19 (3) suggest strategies for further cost contain-  
20 ment and productivity improvements, including  
21 strategies with the potential for further reduction in  
22 Federal operating subsidies and the eventual partial  
23 or complete privatization of Amtrak’s operations;  
24 and

1           (4) recommend appropriate methods for adop-  
2           tion of uniform cost and accounting procedures  
3           throughout the Amtrak system, based on generally  
4           accepted accounting principles.

5           (c) MEMBERSHIP.—(1) The Council shall consist of  
6 7 members appointed as follows:

7           (A) Two individuals to be appointed by the  
8           Speaker of the House of Representatives, in con-  
9           sultation with the minority leader of the House of  
10          Representatives.

11          (B) Two individuals to be appointed by the ma-  
12          jority leader of the Senate, in consultation with the  
13          minority leader of the Senate.

14          (C) Two individuals appointed by the President.

15          (D) One individual appointed by the Amtrak  
16          board of directors.

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

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

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

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

4           (d) TRAVEL EXPENSES.—Each member of the Coun-  
5 cil shall serve without pay, but shall receive travel ex-  
6 penses, including per diem in lieu of subsistence, in ac-  
7 cordance with sections 5702 and 5703 of title 5, United  
8 States Code.

9           (e) ADMINISTRATIVE SUPPORT.—The Secretary of  
10 Transportation shall provide to the Council such adminis-  
11 trative support as the Council requires to carry out this  
12 section.

13           (f) ACCESS TO INFORMATION.—Amtrak shall make  
14 available to the Council all information the Council re-  
15 quires to carry out this section. The Council shall establish  
16 appropriate procedures to ensure against the public disclo-  
17 sure of any information obtained under this subsection  
18 which is a trade secret or commercial or financial informa-  
19 tion that is privileged or confidential.

20           (g) REPORTS.—(1) Within 120 days after the date  
21 of the enactment of this Act, the Council shall transmit  
22 to the Amtrak board of directors and the Congress an in-  
23 terim report on its findings and recommendations.

24           (2) Within 270 days after the date of the enactment  
25 of this Act, the Council shall transmit to the Amtrak

1 board of directors and the Congress a final report on its  
2 findings and recommendations.

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

7 **SEC. 602. PRINCIPAL OFFICE AND PLACE OF BUSINESS.**

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

10 (1) by striking the first sentence;

11 (2) by striking “District of Columbia” and in-  
12 serting in lieu thereof “State in which its principal  
13 office and place of business is located”; and

14 (3) by inserting “For purposes of this sub-  
15 section, the term ‘State’ includes the District of Co-  
16 lumbia.” after “in a civil action.”.

17 **SEC. 603. STATUS AND APPLICABLE LAWS.**

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

20 (1) in subsection (a)(1), by striking “rail car-  
21 rier under section 10102” and inserting in lieu  
22 thereof “railroad carrier under section 20102(2) and  
23 chapters 261 and 281”; and

24 (2) by amending subsection (c) to read as fol-  
25 lows:

1       “(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of  
2 this title shall not apply to Amtrak, except for sections  
3 11303, 11342(a), 11504 (a) and (d), and 11707.”.

4 **SEC. 604. WASTE DISPOSAL.**

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

8 **SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.**

9       Section 24310 of title 49, United States Code, and  
10 the item relating thereto in the table of sections of chapter  
11 243 of such title, are repealed.

12 **SEC. 606. RAIL SAFETY SYSTEM PROGRAM.**

13       Section 24313 of title 49, United States Code, and  
14 the item relating thereto in the table of sections of chapter  
15 243 of such title, are repealed.

16 **SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.**

17       Section 24314 of title 49, United States Code, and  
18 the item relating thereto in the table of sections of chapter  
19 243 of such title, are repealed.

20 **SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**

21                   **MAIN LINE.**

22       Section 24903 of title 49, United States Code, and  
23 the item relating thereto in the table of sections of chapter  
24 249 of such title, are repealed.

1 **SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PRO-**  
2 **JECT.**

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

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

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

9 “(2) Amtrak shall design and construct the elec-  
10 trification system between Boston, Massachusetts, and  
11 New Haven, Connecticut, to accommodate the installation  
12 of a third mainline track between Davisville and Central  
13 Falls, Rhode Island, to be used for double-stack freight  
14 service to and from the Port of Davisville. Wherever prac-  
15 ticable, Amtrak shall use portal structures and realign ex-  
16 isting tracks on undergrade and overgrade bridges to min-  
17 imize the width of the right-of-way required to add the  
18 third track. Amtrak shall take such other steps as may  
19 be required to coordinate and facilitate design and con-  
20 struction work.”.

21 **SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.**

22 (a) APPLICATION TO AMTRAK.—Amtrak shall not be  
23 subject to any requirement under section 242(a) (1) and  
24 (3) and (e)(2) of the Americans With Disabilities Act of  
25 1990 (42 U.S.C. 12162(a) (1) and (3) and (e)(2)) until  
26 October 15, 2001.

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

3 (1) by striking subsection (b); and

4 (2) by redesignating subsection (c) as sub-  
5 section (b).

6 **SEC. 611. DEFINITIONS.**

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

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

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

12 (3) by inserting after paragraph (6), as so re-  
13 designated by paragraph (2) of this section, the fol-  
14 lowing new paragraph:

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

18 (4) in paragraph (6), as so redesignated by  
19 paragraph (2) of this section, by inserting “, includ-  
20 ing a unit of State or local government,” after  
21 “means a person”; and

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

1 **SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.**

2 Section 1163 of the Northeast Rail Service Act of  
3 1981 (45 U.S.C. 1111) is repealed.

4 **SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

5 (a) AMENDMENT.—Section 8G(a)(2) of the Inspector  
6 General Act of 1978 (5 U.S.C. App.) is amended by strik-  
7 ing “Amtrak,”.

8 (b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall  
9 not be considered a Federal entity for purposes of the In-  
10 spector General Act of 1978.

11 **SEC. 614. CONSOLIDATED RAIL CORPORATION.**

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

15 **SEC. 615. INTERSTATE RAIL COMPACTS.**

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

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

23 (2) assembling rights-of-way; and

24 (3) performing capital improvements, includ-  
25 ing—

1 (A) the construction and rehabilitation of  
2 maintenance facilities;

3 (B) the purchase of locomotives; and

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

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

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

11 (2) use any Federal or State funds made avail-  
12 able for intercity passenger rail service (except funds  
13 made available for the National Railroad Passenger  
14 Corporation);

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

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

19 (B) issue bonds; and

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

1 **TITLE VII—AUTHORIZATION OF**  
2 **APPROPRIATIONS**

3 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

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

6 “(a) IN GENERAL.—There are authorized to be ap-  
7 propriated to the Secretary of Transportation—

8 “(1) \$772,000,000 for fiscal year 1995;

9 “(2) \$712,000,000 for fiscal year 1996;

10 “(3) \$712,000,000 for fiscal year 1997;

11 “(4) \$712,000,000 for fiscal year 1998; and

12 “(5) \$403,000,000 for fiscal year 1999,

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

16 (b) ADDITIONAL AUTHORIZATIONS.—Section  
17 24104(b) of title 49, United States Code, is amended to  
18 read as follows:

19 “(b) ADDITIONAL AUTHORIZATIONS.—(1) In addi-  
20 tion to amounts appropriated under subsection (a), there  
21 are authorized to be appropriated to the Secretary of  
22 Transportation—

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

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

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

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

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

3 for the benefit of Amtrak to make capital expenditures

4 under chapter 249 of this title.

5           “(2) In addition to amounts appropriated under sub-

6 section (a), there are authorized to be appropriated to the

7 Secretary of Transportation—

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

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

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

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

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

13 for the benefit of Amtrak to be used for engineering, de-

14 sign, and construction activities to enable the James A.

15 Farley Post Office in New York, New York, to be used

16 as a train station and commercial center and for necessary

17 improvements and redevelopment of the existing Penn-

18 sylvania Station and associated service building in New

19 York, New York.”.

20           (c) CONFORMING AMENDMENTS.—Section 24909 of

21 title 49, United States Code, and the item relating thereto

22 in the table of sections of chapter 249 of such title, are

23 repealed.

1 (d) GUARANTEE OF OBLIGATIONS.—There are au-  
2 thorized to be appropriated to the Secretary of Transpor-  
3 tation—

4 (1) \$50,000,000 for fiscal year 1996;

5 (2) \$50,000,000 for fiscal year 1997;

6 (3) \$50,000,000 for fiscal year 1998; and

7 (4) \$50,000,000 for fiscal year 1999,

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

11 (e) CONDITIONS FOR GUARANTEE OF OBLIGA-  
12 TIONS.—Section 511(i) of the Railroad Revitalization and  
13 Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is  
14 amended by adding at the end the following new para-  
15 graph:

16 “(4) The Secretary shall not require, as a condition  
17 for guarantee of an obligation under this section, that all  
18 preexisting secured obligations of an obligor be subordi-  
19 nated to the rights of the Secretary in the event of a de-  
20 fault.”.

○

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