

105TH CONGRESS
1ST SESSION

H. R. 2066

To restructure and reform the laws relating to Amtrak, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1997

Mr. OBERSTAR (for himself and Mr. WISE) (both by request) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To restructure and reform the laws relating to 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 Restructuring
5 Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) intercity rail passenger service is an essen-
9 tial component of a national intermodal passenger
10 transportation system, and the National Railroad

1 Passenger Corporation (Amtrak) must provide a
2 quality transportation product in the form of clean,
3 comfortable, and on-time service to achieve its full
4 potential;

5 (2) Amtrak has been forced to significantly cut
6 back its rail passenger system due to cash shortages,
7 and further cutbacks may be required unless Amtrak
8 is able to reduce its costs and increase its revenues;

9 (3) to ensure Amtrak's long-term viability as a
10 provider of intercity rail passenger service, all of
11 Amtrak's stakeholders must participate in efforts to
12 reduce Amtrak's costs and increase its revenues;

13 (4) additional management flexibility is needed
14 to allow Amtrak to operate in a businesslike manner
15 in order to adjust quickly to meet demand and
16 changing customer needs;

17 (5) Amtrak's management and employees are
18 dedicated to providing the high-quality service that
19 Amtrak's customers deserve but additional capital
20 investment is needed to acquire the modern equip-
21 ment and efficient facilities that are essential to sat-
22 isfy the demand for superior intercity rail passenger
23 service;

24 (6) the establishment of a secure source of cap-
25 ital investment from the Federal Government

1 through the authorizations included in this Act and
2 additional capital funding from State governments
3 and innovative partnerships with the private sector
4 will enable Amtrak to provide the world class service
5 American rail passengers deserve and will help re-
6 duce operating costs in the long term;

7 (7) the availability of additional capital invest-
8 ment from the Federal Government can and should
9 be used as an incentive to encourage Amtrak to
10 achieve the operating and other efficiencies that are
11 essential to the long-term viability of intercity rail
12 passenger service;

13 (8) Amtrak's management should be held ac-
14 countable to ensure that all capital investment by
15 the Federal Government and State governments is
16 used effectively to improve the quality of service and
17 the long-term financial health of Amtrak;

18 (9) Amtrak's management and its employees
19 should use the collective bargaining process to reach
20 equitable agreements that provide a sound basis for
21 improved customer service and that contribute to the
22 long-term viability of the corporation;

23 (10) States, local governments, and private par-
24 ties can and should play an increasingly significant
25 role in supporting cost-efficient intercity rail pas-

1 senger transportation and in addressing local trans-
2 portation needs and air quality control;

3 (11) State and local governments should have
4 the flexibility to use the Federal transportation
5 funds available to them to support intercity rail pas-
6 senger service as an essential component of the
7 intermodal transportation network in their States;

8 (12) the Secretary of Transportation, as an ex
9 officio member of Amtrak's Board of Directors,
10 should use this position to evaluate Amtrak's costs
11 and revenue elements to ensure that Amtrak pro-
12 vides excellent service to its customers, that Amtrak
13 uses its Federal investment wisely and efficiently,
14 and that Amtrak makes significant and measurable
15 progress in improving the financial performance of
16 intercity rail passenger service; and

17 (13) Amtrak's revenues, including assistance
18 provided by Amtrak's State, local, and private sector
19 partners, should cover Amtrak's operating expenses
20 by fiscal year 2002.

1 **TITLE I—OPERATIONAL**
2 **REFORMS**

3 **SEC. 101. OPERATION OF INTERCITY RAIL PASSENGER**
4 **SERVICE.**

5 Chapter 247 of title 49, United States Code, is
6 amended—

7 (1) by amending section 24701 to read as fol-
8 lows:

9 **“§ 24701. Operation of intercity rail passenger service**

10 “(a) BY AMTRAK.—Amtrak is authorized to provide
11 cost-effective intercity rail passenger service on those
12 routes throughout the United States where it can serve
13 an important transportation function and it can, over the
14 long term, cover the full operating costs associated with
15 providing the service through fares and contributions from
16 State and local governments or other interested parties.
17 Amtrak’s decisions regarding the initiation, retention,
18 modification, or elimination of intercity rail passenger
19 service shall be made on the basis of available financial
20 resources and any agreement Amtrak enters into with a
21 State or local government or private entity to support rail
22 passenger service shall be made with the understanding
23 that the Federal operating subsidy will be eliminated after
24 fiscal year 2001.

1 “(b) BY OTHERS WITH CONSENT OF AMTRAK.—A
2 person may provide intercity rail passenger transportation
3 over a route over which Amtrak provides scheduled inter-
4 city rail passenger transportation only with the consent
5 of Amtrak.”;

6 (2) by amending section 24702 to read as fol-
7 lows:

8 **“§ 24702. Route and service changes**

9 “(a) ROUTE ADJUSTMENTS.—Amtrak shall adjust its
10 route structure as it deems appropriate applying sound
11 business and transportation principles.

12 “(b) NOTICE OF SERVICE CHANGES.—Prior to imple-
13 menting a route discontinuance that would remove all
14 service on a route or cut service by more than half, Am-
15 trak shall provide its employees’ representatives, affected
16 States, cities, and other interested parties with advance
17 notice of at least ninety days in order to enable any of
18 the affected parties to provide financial support for the
19 route that would allow for continued operation. Amtrak
20 shall provide a written notification to the Governor or
21 chief executive officer of each affected State which pro-
22 vides information on the costs, revenues, and other appro-
23 priate considerations in providing the service.

24 “(c) EMERGENCY SITUATIONS.—In an emergency,
25 Amtrak may implement a route discontinuance with less

1 than ninety days notice but shall in any event provide as
 2 much notice as possible. An emergency shall exist when
 3 Amtrak’s Board of Directors determines that funds avail-
 4 able to Amtrak for the fiscal year are not sufficient to
 5 meet estimated operating costs and significant harm to
 6 Amtrak would result if immediate action is not taken to
 7 reduce costs through route reductions and service elimi-
 8 nations.”; and

9 (3) by amending the items in the table of sec-
 10 tions of such chapter that relate to sections 24701
 11 and 24702 to read as follows:

“24701. Operation of intercity rail passenger service.
 “24702. Route and service changes.”.

12 **SEC. 102. AMTRAK COMMUTER.**

13 (a) **REPEAL OF CHAPTER 245.**—Chapter 245 of title
 14 49, United States Code, and the item relating thereto in
 15 the table of chapters of subtitle V of such title, are re-
 16 pealed.

17 (b) **CONFORMING AMENDMENT.**—Section 24301(f) of
 18 title 49, United States Code, is amended to read as fol-
 19 lows:

20 “(f) **TAX EXEMPTION FOR CERTAIN COMMUTER AU-**
 21 **THORITIES.**—A commuter authority that was eligible to
 22 make a contract with Amtrak Commuter to provide com-
 23 muter rail passenger transportation but which decided to
 24 provide its own rail passenger transportation beginning

1 January 1, 1983, is exempt, effective October 1, 1981,
2 from paying a tax or fee to the same extent Amtrak is
3 exempt.”.

4 (c) TRACKAGE RIGHTS.—The repeal of chapter 245
5 under subsection (a) of this section shall not affect any
6 trackage rights held by Amtrak or the Consolidated Rail
7 Corporation.

8 **SEC. 103. ROUTE AND SERVICE CRITERIA.**

9 Section 24703 of title 49, United States Code, and
10 the item relating thereto in the table of sections of chapter
11 247 of such title, are repealed.

12 **SEC. 104. TRANSPORTATION REQUESTED BY STATES, AU-**
13 **THORITIES, AND OTHER PERSONS.**

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

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

21 **SEC. 105. ADDITIONAL QUALIFYING ROUTES.**

22 Section 24705 of title 49, United States Code, and
23 the item relating thereto in the table of sections of chapter
24 247 of such title, are repealed.

1 **SEC. 106. DISCONTINUANCE.**

2 Section 24706 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a)(1), by striking “a dis-
5 continuance under section 24704 or 24707(a) or (b)
6 of this title” and inserting in lieu thereof “dis-
7 continuing service over a route”;

8 (2) in subsection (a)(2), by striking “section
9 24704 or 24707(a) or (b) of this title” and inserting
10 in lieu thereof “paragraph (1)”; and

11 (3) in subsection (b), by striking “under section
12 24704 or 24707(a) or (b) of this title” and inserting
13 in lieu thereof “as authorized by applicable law”.

14 **SEC. 107. COST AND PERFORMANCE REVIEW.**

15 Section 24707 of title 49, United States Code, and
16 the item relating thereto in the table of sections of chapter
17 247 of such title, are repealed.

18 **SEC. 108. SPECIAL COMMUTER TRANSPORTATION.**

19 Section 24708 of title 49, United States Code, and
20 the item relating thereto in the table of sections of chapter
21 247 of such title, are repealed.

22 **TITLE II—FINANCIAL REFORMS**

23 **SEC. 201. EXEMPTION FROM TAXES.**

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

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

4 (2) by striking “or fee imposed” and all that
5 follows through “levied on it” and inserting in lieu
6 thereof “, fee, head charge, or other charge, imposed
7 or levied by a State, political subdivision, or local
8 taxing authority, directly or indirectly on Amtrak or
9 on travel in intercity rail passenger transportation or
10 on mail or express transportation provided by Am-
11 trak or a rail carrier subsidiary of Amtrak, or on the
12 carriage of persons, mail, or express, or on the sale
13 of any such transportation, or on the gross receipts
14 derived therefrom”; and

15 (3) by amending the last sentence thereof to
16 read as follows: “In the case of a tax or fee that
17 Amtrak was required to pay as of September 10,
18 1982, Amtrak is not exempt from such tax or fee if
19 it was assessed before April 1, 1997.”.

20 **SEC. 202. OFFICERS’ PAY.**

21 Section 24303(b) of title 49, United States Code, is
22 amended by inserting “The preceding sentence shall cease
23 to be effective on the expiration of a fiscal year during
24 which no Federal operating subsidy is provided to Am-
25 trak.” after “with comparable responsibility.”.

1 **SEC. 203. INTERSTATE RAIL COMPACTS.**

2 (a) AMENDMENT.—Part C of subtitle V of title 49,
3 United States Code, is amended by adding a new chapter
4 251 at the end thereof as follows:

5 **“CHAPTER 251—INTERSTATE RAIL COMPACTS**

“Sec.

“25101. Interstate rail compacts.

6 **“§ 25101. Interstate rail compacts**

7 “(a) CONSENT TO COMPACTS.—Congress grants con-
8 sent to States with an interest in a specific form, route,
9 or corridor of intercity passenger rail service (including
10 high-speed rail service) to enter into interstate compacts
11 to promote the provision of the service, including—

12 “(1) retaining an existing service or commene-
13 ing a new service;

14 “(2) assembling rights-of-way; and

15 “(3) performing capital improvements, includ-
16 ing—

17 “(A) the construction and rehabilitation of
18 maintenance facilities and intermodal passenger
19 facilities;

20 “(B) the purchase of locomotives; and

21 “(C) operational improvements, including
22 communications, signals, and other systems.

1 “(b) FINANCING.—An interstate compact established
2 by States under subsection (a) of this section may provide
3 that, in order to carry out the compact, the States may—

4 “(1) accept contributions from a unit of State
5 or local government or a person;

6 “(2) use any Federal or State funds made
7 available for intercity passenger rail service (except
8 funds made available to Amtrak);

9 “(3) on such terms and conditions as the States
10 consider advisable—

11 “(A) borrow money on a short-term basis
12 and issue notes for the borrowing; and

13 “(B) issue bonds; and

14 “(4) obtain financing by other means permitted
15 under Federal and State law.”.

16 (b) CONFORMING AMENDMENT.—The table of chap-
17 ters of subtitle V of title 49, United States Code, is
18 amended by adding after the item relating to chapter 249
19 the following new item:

“251. Interstate rail compacts25101”.

20 **TITLE III—NORTHEAST**
21 **CORRIDOR IMPROVEMENTS**

22 **SEC. 301. BOSTON-NEW HAVEN ELECTRIFICATION**
23 **PROJECT.**

24 Section 24902(a)(1)(A) of title 49, United States
25 Code, is amended by striking “and 40 minutes”.

1 **SEC. 302. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**

2 **MAIN LINE.**

3 Section 24903 of title 49, United States Code, and
4 the item relating thereto in the table of sections of chapter
5 249 of such title, are repealed.

6 **SEC. 303. NORTHEAST CORRIDOR IMPROVEMENT PRO-**

7 **GRAM.**

8 (a) AMENDMENT.—Section 24909 of title 49, United
9 States Code, is amended to read as follows:

10 **“§ 24909. Northeast Corridor improvements**

11 “(a) CAPITAL IMPROVEMENTS.—Amtrak shall make
12 capital improvements for the Northeast Corridor improve-
13 ment program under this title as necessary to operate reli-
14 able, high-speed rail passenger service, to enhance capac-
15 ity for intercity and commuter passenger service, and as
16 otherwise may be necessary to ensure continued reliable
17 high-speed service. Amtrak shall acquire train equipment
18 to be used on the Northeast Corridor, mitigate environ-
19 mental impacts related to the Northeast Corridor improve-
20 ment project, and provide adequate parking at, and im-
21 prove Northeast Corridor rail stations.

22 “(b) RHODE ISLAND THIRD TRACK.—(1) There are
23 authorized to be appropriated to the Secretary to make
24 grants to the State of Rhode Island, \$10,000,000 for each
25 of the fiscal years ending September 30, 1998, September
26 30, 1999, and September 30, 2000, and \$12,000,000 for

1 the fiscal year ending September 30, 2001, to be used to
2 design and construct a third track on the Northeast Cor-
3 ridor between Davisville and Central Falls, Rhode Island.

4 “(2) The third track shall be designed and con-
5 structed with sufficient clearance to accommodate double-
6 stack freight cars.

7 “(3) The Secretary shall provide funds to the State
8 of Rhode Island to design and construct the third track
9 only to the extent that such funds will be matched by the
10 State of Rhode Island or its designee on a dollar-for-dollar
11 basis.

12 “(c) AVAILABILITY OF AMOUNTS.—Amounts appro-
13 priated under this section shall remain available until ex-
14 pended.

15 “(d) PREVAILING WAGE STANDARDS.—(1) The Sec-
16 retary of Transportation or Amtrak shall ensure that la-
17 borers and mechanics, employed by contractors and sub-
18 contractors in construction work that is financed to any
19 extent with Federal funds under this section, are paid
20 wages not less than those prevailing on similar construc-
21 tion in the locality, as determined by the Secretary of
22 Labor under the Act of March 3, 1931 (known as the
23 Davis-Bacon Act; 40 U.S.C. 276a—276a-5). The Sec-
24 retary of Transportation or Amtrak may approve a grant,
25 loan, or contract only after being assured that required

1 labor standards will be maintained on the construction
2 work. For purposes of this subsection, the Secretary of
3 Labor has the same duties and powers stated in Reorga-
4 nization Plan No. 14 of 1950 (eff. May 24, 1950, 64 Stat.
5 1267) and section 2 of the Act of June 13, 1934 (40
6 U.S.C. 276e).

7 “(2) Wage rates in a collective bargaining agreement
8 negotiated under the Railway Labor Act (45 U.S.C. 151,
9 et seq.) are deemed to comply with the Act of March 3,
10 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a—
11 276a–5) and paragraph (1) of this subsection.”.

12 (b) CONFORMING AMENDMENT.—The table of sec-
13 tions of chapter 249, United States Code, is amended by
14 amending the item relating to section 24909 to read as
15 follows:

“24909. Northeast Corridor improvements.”.

16 **SEC. 304. COMMUTER COST SHARING ON THE NORTHEAST**
17 **CORRIDOR.**

18 (a) DETERMINATION OF COMPENSATION.—Section
19 24904 of title 49, United States Code, is amended—

20 (1) by striking subsection (b);

21 (2) by redesignating subsection (c) as sub-
22 section (b);

23 (3) in subsection (b), as so redesignated by
24 paragraph (2) of this subsection—

1 (A) by striking “TRANSPORTATION OVER
2 CERTAIN RIGHTS-OF-WAY AND FACILITIES” in
3 the subsection head and inserting in lieu thereof
4 “FREIGHT TRANSPORTATION”;

5 (B) by inserting “relating to rail freight
6 transportation” after “subsection (a)(6) of this
7 section” in paragraph (1); and

8 (C) by inserting “to an agreement de-
9 scribed in paragraph (1)” after “If the parties”
10 in paragraph (2); and

11 (4) by inserting after subsection (b), as so re-
12 designated by paragraph (2) of this subsection, the
13 following new subsection:

14 “(c) BINDING ARBITRATION FOR COMMUTER DIS-
15 PUTES.—(1) If the parties to an agreement described in
16 subsection (a)(6) relating to commuter rail passenger
17 transportation cannot agree to the terms of such agree-
18 ment, the parties shall submit the issues in dispute to
19 binding arbitration under the rules of the American Arbi-
20 tration Association.

21 “(2) The parties to a dispute described in paragraph
22 (1) may agree to use the Surface Transportation Board
23 to arbitrate such dispute and, if asked to arbitrate the
24 Surface Transportation Board shall perform such func-
25 tion.”.

1 (b) NORTHEAST CORRIDOR COST DISPUTE.—Section
2 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C.
3 1111) is repealed.

4 **TITLE IV—AUTHORIZATIONS**

5 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AMENDMENT.—Section 24104 of title 49, United
7 States Code, is amended to read as follows:

8 **“§ 24104. Authorization of appropriations**

9 “(a) OPERATING GRANTS.—There are authorized to
10 be appropriated to the Secretary of Transportation from
11 the Highway Trust Fund (other than from the Mass Tran-
12 sit Account), to make grants to Amtrak for operating ex-
13 penses, \$344,000,000 for fiscal year 1998, \$292,000,000
14 for fiscal year 1999, \$242,000,000 for fiscal year 2000,
15 \$192,000,000 for fiscal year 2001, \$142,000,000 for fis-
16 cal year 2002, and \$142,000,000 for fiscal year 2003.
17 Grants in fiscal years 2002 and 2003 shall not be made
18 to offset operating losses, other than for payments to the
19 railroad retirement and railroad unemployment systems.
20 Such payments in fiscal years 2002 and 2003 shall not
21 be considered a Federal operating subsidy for the purposes
22 of sections 24701, 24303(b), 24301(e), and 24305(b), and
23 section 512 of the Amtrak Restructuring Act of 1997.

24 “(b) CAPITAL INVESTMENTS.—There are authorized
25 to be appropriated to the Secretary of Transportation

1 from the Highway Trust Fund (other than from the Mass
2 Transit Account) to make grants to Amtrak for capital
3 investments, including expenses related to debt service and
4 investments in the Northeast Corridor authorized by sec-
5 tion 24909(a) of this title, \$445,450,000 for fiscal year
6 1998, and \$423,450,000 for each of the fiscal years 1999,
7 2000, 2001, 2002, and 2003.

8 “(c) SUPPLEMENTAL CAPITAL INVESTMENTS.—(1)
9 There are authorized to be appropriated to the Secretary
10 of Transportation from the Highway Trust Fund (other
11 than from the Mass Transit Account) to make grants to
12 Amtrak for supplemental capital investments, including
13 expenses related to debt service and investments in the
14 Northeast Corridor authorized by section 24909(a) of this
15 title, \$95,000,000 for fiscal year 1999, \$168,000,000 for
16 fiscal year 2000, \$240,000,000 for fiscal year 2001,
17 \$313,000,000 for fiscal year 2002, and \$165,000,000 for
18 fiscal year 2003.

19 “(2) The Secretary of Transportation may make
20 grants to Amtrak for supplemental capital investments
21 under this subsection—

22 “(A) for fiscal year 1999 only if the Secretary
23 determines that Amtrak has taken specific and
24 measurable actions to reduce expenses and increase
25 revenues consistent with a plan to achieve the oper-

1 ating subsidy reductions identified in subsection (a)
2 of this section; and

3 “(B) for fiscal years 2000, 2001, 2002, and
4 2003 only if the Secretary determines, based upon
5 a report from Amtrak’s independent auditor, that
6 during the fiscal year which is two years before the
7 fiscal year in which the grant would be made Am-
8 trak’s revenues plus the amount of operating assist-
9 ance authorized for that year under subsection (a)
10 of this section equaled or exceeded Amtrak’s operat-
11 ing expenses for that year.

12 “(3) The Secretary of Transportation shall provide
13 the appropriations committees of the Senate and the
14 House of Representatives, at the time of the submittal of
15 the President’s annual budget request, the current plan
16 to achieve Amtrak’s operating subsidy reductions and a
17 report on Amtrak’s progress in implementing that plan.

18 “(d) DEFINITION.—As used in this section, the term
19 ‘capital investments’ means expenditures that are com-
20 monly classified by freight or commuter railroads as cap-
21 ital improvements in accordance with the current findings
22 of the Financial Accounting Standards Board.

23 “(e) CONTRACT AUTHORITY.—Notwithstanding any
24 other provision of law, approval by the Secretary of Trans-
25 portation in fiscal year 1999 or thereafter of a grant or

1 contract with funds made available by subsection (a), (b),
2 or (c) of this section shall be deemed a contractual obliga-
3 tion of the United States.

4 “(f) AVAILABILITY OF APPROPRIATIONS.—Amounts
5 appropriated under this section shall remain available
6 until expended.

7 “(g) LIMITATIONS ON USE.—Amounts appropriated
8 under this section may not be used to subsidize operating
9 losses of commuter rail passenger or rail freight transpor-
10 tation.”.

11 (b) CONFORMING AMENDMENT.—Section 24304(d)
12 of title 49, United States Code, is amended by deleting
13 “24104(d)” and by substituting “24104”.

14 **TITLE V—MISCELLANEOUS**

15 **SEC. 501. WORLD CLASS SERVICE.**

16 Section 24101(c) of title 49, United States Code, is
17 amended by redesignating paragraphs (10) and (11) as
18 paragraphs (12) and (13), respectively, and by inserting
19 after paragraph (9) the following:

20 “(10) manage capital investment in such a way
21 as to provide customers with world class service;

22 “(11) treat all passengers with respect, cour-
23 tesy, and dignity;”.

1 **SEC. 502. DEFINITIONS.**

2 Section 24102 of title 49, United States Code, is
3 amended—

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

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

7 (3) by inserting after paragraph (6), as so re-
8 designated by paragraph (2) of this section, the fol-
9 lowing new paragraph:

10 “(7) ‘rail passenger transportation’ means the
11 interstate, intrastate, or international transportation
12 of passengers, mail and express by rail.”;

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

17 (5) by redesignating paragraphs (9) and (10)
18 as paragraphs (8) and (9), respectively.

19 **SEC. 503. STATUS AND APPLICABLE LAWS.**

20 Section 24301(a)(1) of title 49, United States Code,
21 is amended by striking “rail carrier under section 10102”
22 and inserting in lieu thereof “railroad carrier under sec-
23 tion 20102(2) and a rail carrier under chapter 281”.

24 **SEC. 504. PRINCIPAL OFFICE.**

25 Section 24301(b) of title 49, United States Code, is
26 amended—

1 (1) in the subsection head, by striking “AND
2 PLACE OF BUSINESS”;

3 (2) by striking the first sentence;

4 (3) by striking “and place of business”;

5 (4) by striking “of the District of Columbia”
6 and inserting in lieu thereof “of the State in which
7 its principal office is located”; and

8 (5) by inserting “For purposes of this sub-
9 section, the term ‘State’ includes the District of Co-
10 lumbia. Notwithstanding section 3 of the District of
11 Columbia Business Corporation Act, Amtrak, if its
12 principal office is located in the District of Colum-
13 bia, shall be considered organized under the provi-
14 sions of such Act.” after “in a civil action.”.

15 **SEC. 505. FREEDOM OF INFORMATION ACT.**

16 Section 24301(e) of title 49, United States Code, is
17 amended by adding at the end thereof the following: “Sec-
18 tion 552 of title 5, United States Code, shall not apply
19 to Amtrak in any fiscal year for which Amtrak receives
20 no Federal operating subsidy.”.

21 **SEC. 506. CONTRACTING PRACTICES.**

22 Section 24305 of title 49, United States Code, is
23 amended—

24 (1) by amending subsection (b) to read as fol-
25 lows:

1 “(b) BELOW-COST COMPETITION.—Amtrak shall not
2 submit any bid for the performance of services for an
3 amount less than the cost to Amtrak of performing such
4 services, with respect to any activity other than the provi-
5 sion of intercity rail passenger transportation. For pur-
6 poses of this subsection, the cost to Amtrak of performing
7 services shall be determined using generally accepted ac-
8 counting principles for contracting. This subsection shall
9 not apply for any fiscal year for which Amtrak receives
10 no Federal operating subsidy.”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(g) RAIL AND MOTOR CARRIER PASSENGER SERV-
14 ICE.—(1) Amtrak and motor carriers of passengers are
15 authorized—

16 “(A) to combine or package their respective
17 services and facilities to the public as a means of in-
18 creasing revenues; and

19 “(B) to coordinate schedules, routes, rates, res-
20 ervations, and ticketing to provide for enhanced
21 intermodal surface transportation.

22 “(2) The authority granted by this subsection is sub-
23 ject to the review of the Surface Transportation Board,
24 and such authority may be modified or revoked by the
25 Surface Transportation Board if in the public interest.”.

1 **SEC. 507. ASSISTANCE FOR UPGRADING FACILITIES.**

2 Section 24310 of title 49, United States Code, and
3 the item relating thereto in the table of sections of chapter
4 243 of such title, are repealed.

5 **SEC. 508. LABOR STANDARDS.**

6 Section 24312(a) of title 49, United States Code, is
7 amended by striking “, 24701(a) or 24704(b)(2)” and in-
8 serting in lieu thereof “or 24701(a)”.

9 **SEC. 509. RAIL SAFETY SYSTEM PROGRAM.**

10 Section 24313 of title 49, United States Code, and
11 the item relating thereto in the table of sections of chapter
12 243 of such title, are repealed.

13 **SEC. 510. DEMONSTRATION OF NEW TECHNOLOGY.**

14 Section 24314 of title 49, United States Code, and
15 the item relating thereto in the table of sections of chapter
16 243 of such title, are repealed.

17 **SEC. 511. ACCESS TO RECORDS AND ACCOUNTS.**

18 Section 24315 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a)(1) by redesignating sub-
21 paragraphs (D), (E), (F), (G), and (H) as subpara-
22 graphs (E), (F), (G), (H) and (I), and by inserting
23 after subparagraph (C) the following:

24 “(D) the long-term profit or loss;”;

25 (2) in subsection (a) by amending paragraph
26 (2) to read as follows:

1 “(2) provides an update that describes Am-
2 trak’s efforts and accomplishments in implementing
3 the Program Master Plans for the Northeast Cor-
4 ridor prepared by the Secretary of Transportation
5 and Amtrak and submitted to the Congress, includ-
6 ing a description of completed improvements, ongo-
7 ing projects and needed future investment, and a de-
8 scription of capital projects undertaken by other
9 Northeast Corridor users; and”;

10 (3) in subsection (b) by redesignating para-
11 graph (2) as paragraph (3), and by inserting after
12 paragraph (1) the following:

13 “(2) Amtrak shall include in the report required
14 under paragraph (1) projections of the anticipated bene-
15 fits of the capital projects Amtrak proposes to fund with
16 Federal funding and a description of the benefits actually
17 realized from all projects previously funded beginning with
18 funds provided in fiscal year 1997. The report shall in-
19 clude an identification of improvements in the quality of
20 service offered by Amtrak, facility improvements that
21 demonstrate a productivity gain, equipment improvements
22 that lower operating costs, environmental benefits (includ-
23 ing air quality and land use benefits), enhancements to
24 local transportation needs, enhancements to mobility of
25 physically and economically disadvantaged persons, any

1 improvement of the revenue-to-cost ratio, any reduced de-
 2 pendence on Federal operating support, and reductions in
 3 the need for alternative transportation investments. To
 4 the extent practicable, the benefits addressed in each re-
 5 port shall also be expressed as return on invested cap-
 6 ital.”;

7 (4) in subsection (e), by inserting “financial or”
 8 after “Comptroller General may conduct”; and

9 (5) by adding at the end the following new sub-
 10 section:

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

15 **SEC. 512. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

16 (a) AMENDMENT.—

17 (1) IN GENERAL.—Section 8G(a)(2) of the In-
 18 spector General Act of 1978 (5 U.S.C. App.) is
 19 amended by striking “Amtrak,”.

20 (2) EFFECTIVE DATE.—The amendment made
 21 by paragraph (1) shall take effect on October 1 of
 22 the first fiscal year after a fiscal year for which Am-
 23 trak receives no Federal operating subsidy.

24 (b) AMTRAK NOT A FEDERAL ENTITY.—Amtrak
 25 shall not be considered a Federal entity for purposes of

1 the Inspector General Act of 1978. The preceding sen-
2 tence shall take effect on October 1 of the first fiscal year
3 after a fiscal year for which Amtrak receives no Federal
4 operating subsidy.

5 **TITLE VI—HIGH-SPEED RAIL**

6 **SEC. 601. HIGH-SPEED RAIL TECHNOLOGY IMPROVEMENTS.**

7 Section 26104 of title 49, United States Code, is
8 amended by redesignating subsection (d) as subsection (e)
9 and by inserting after subsection (c) a new subsection as
10 follows:

11 “(d) FISCAL YEARS 1998–2003.—There are author-
12 ized to be appropriated to the Secretary \$19,595,000 for
13 each of the fiscal years 1998 through 2003, for carrying
14 out section 26102 (including payment of administrative
15 expenses related thereto).”.

16 **SEC. 602. HIGH-SPEED RAIL NOISE REGULATION.**

17 (a) AMENDMENT.—Chapter 201 of title 49, United
18 States Code, is amended by adding a new section at the
19 end thereof as follows:

20 **“§ 20154. High-speed rail noise regulation**

21 “The Secretary of Transportation, in consultation
22 with the Administrator of the Environmental Protection
23 Agency, shall prescribe regulations addressing noise emis-
24 sions from high-speed rail systems, including magnetic
25 levitation systems, when operating at speeds greater than

1 150 miles per hour. Regulations issued under this section
2 shall be in lieu of railroad-related noise regulations issued
3 pursuant to section 17(a) of the Noise Control Act of 1972
4 (42 U.S.C. 4916(a)) only for operation at speeds greater
5 than 150 miles-per-hour.”.

6 (b) CONFORMING AMENDMENT.—The table of sec-
7 tions of chapter 201 of title 49, United States Code, is
8 amended by adding at the end the following new item:

“20154. High-speed rail noise regulation.”.

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