

105TH CONGRESS
1ST SESSION

H. R. 2247

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

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1997

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

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 1997”.

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

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

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

1 “(b) CONTRACTING OUT.—(1) When Amtrak con-
2 tracts out work normally performed by an employee in a
3 bargaining unit covered by a contract between a labor or-
4 ganization and Amtrak, Amtrak is encouraged to use
5 other rail carriers for performing such work.

6 “(2)(A) Amtrak may not enter into a contract for the
7 operation of trains with any entity other than a State or
8 State authority.

9 “(B) If Amtrak enters into a contract as described
10 in subparagraph (A)—

11 “(i) such contract shall not relieve Amtrak of
12 any obligation in connection with the use of facilities
13 of another entity for the operation covered by such
14 contract; and

15 “(ii) such operation shall be subject to any op-
16 erating or safety restrictions and conditions required
17 by the agreement providing for the use of such fa-
18 cilities.

19 “(C) This paragraph shall not restrict Amtrak’s au-
20 thority to enter into contracts for access to or use of
21 tracks or facilities for the operation of trains.”.

22 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
23 fect 254 days after the date of the enactment of this Act.

1 **SEC. 102. CONTRACTING PRACTICES.**

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

5 “(b) BELOW-COST COMPETITION.—(1) Amtrak shall
6 not submit any bid for the performance of services under
7 a contract for an amount less than the cost to Amtrak
8 of performing such services, with respect to any activity
9 other than the provision of intercity rail passenger trans-
10 portation, commuter rail passenger transportation, or mail
11 or express transportation. For purposes of this subsection,
12 the cost to Amtrak of performing services shall be deter-
13 mined using generally accepted accounting principles for
14 contracting.

15 “(2) Any aggrieved individual may commence a civil
16 action for violation of paragraph (1). The United States
17 district courts shall have jurisdiction, without regard to
18 the amount in controversy or the citizenship of the parties,
19 to enforce paragraph (1). The court, in issuing any final
20 order in any action brought pursuant to this paragraph,
21 may award bid preparation costs, anticipated profits, and
22 litigation costs, including reasonable attorney and expert
23 witness fees, to any prevailing or substantially prevailing
24 party. The court may, if a temporary restraining order
25 or preliminary injunction is sought, require the filing of

1 a bond or equivalent security in accordance with the Fed-
2 eral Rules of Civil Procedure.

3 “(3) This subsection shall cease to be effective on the
4 expiration of a fiscal year during which no Federal operat-
5 ing assistance is provided to Amtrak.”.

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

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

14 “(i) if the motor carrier is not a public recipient
15 of governmental assistance, as such term is defined
16 in section 13902(b)(8)(A) of this title, other than a
17 recipient of funds under section 5311 of this title;

18 “(ii) for passengers who have had prior move-
19 ment by rail or will have subsequent movement by
20 rail; and

21 “(iii) if the buses, when used in the provision
22 of such transportation, are used exclusively for the
23 transportation of passengers described in clause (ii).

1 “(B) Subparagraph (A) shall not apply to transpor-
2 tation funded predominantly by a State or local govern-
3 ment, or to ticket selling agreements.”.

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

7 “(3) Congress encourages Amtrak and motor com-
8 mon carriers of passengers to use the authority conferred
9 in sections 11322 and 14302 of this title for the purpose
10 of providing improved service to the public and economy
11 of operation.”.

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

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

16 **SEC. 104. TRACK WORK.**

17 (a) **OUTREACH PROGRAM.**—Amtrak shall, within one
18 year after the date of the enactment of this Act, establish
19 an outreach program through which it will work with track
20 work manufacturers in the United States to increase the
21 likelihood that such manufacturers will be able to meet
22 Amtrak’s specifications for track work. The program shall
23 include engineering assistance for the manufacturers and
24 dialogue between Amtrak and the manufacturers to iden-

1 tify how Amtrak’s specifications can be met by the capa-
2 bilities of the manufacturers.

3 (b) ANNUAL REPORT.—Amtrak shall report to the
4 Congress within 2 years after the date of the enactment
5 of this Act on progress made under subsection (a), includ-
6 ing a statement of the percentage of Amtrak’s track work
7 contracts that are awarded to manufacturers in the United
8 States.

9 **TITLE II—OPERATIONAL**
10 **REFORMS**

11 **SEC. 201. BASIC SYSTEM.**

12 (a) OPERATION OF BASIC SYSTEM.—Section 24701
13 of title 49, United States Code, and the item relating
14 thereto in the table of sections of chapter 247 of such title,
15 are repealed.

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

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

22 (1) in subsection (a)(1)—

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

1 (B) by striking “a discontinuance under
2 section 24704 or 24707(a) or (b) of this title”
3 and inserting in lieu thereof “discontinuing
4 service over a route”; and

5 (C) by inserting “or assume” after “agree
6 to share”;

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

10 (3) by striking subsection (b).

11 (d) COST AND PERFORMANCE REVIEW.—Section
12 24707 of title 49, United States Code, and the item relat-
13 ing thereto in the table of sections of chapter 247 of such
14 title, are repealed.

15 (e) SPECIAL COMMUTER TRANSPORTATION.—Section
16 24708 of title 49, United States Code, and the item relat-
17 ing thereto in the table of sections of chapter 247 of such
18 title, are repealed.

19 (f) CONFORMING AMENDMENT.—Section
20 24312(a)(1) of title 49, United States Code, is amended
21 by striking “, 24701(a),”.

1 **SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**
2 **TATION.**

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

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

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

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

15 Section 24703 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. 204. ADDITIONAL QUALIFYING ROUTES.**

19 Section 24705 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 **SEC. 205. TRANSPORTATION REQUESTED BY STATES, AU-**
23 **THORITIES, AND OTHER PERSONS.**

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

1 (b) EXISTING AGREEMENTS.—Amtrak shall not,
2 after the date of the enactment of this Act, be required
3 to provide transportation services pursuant to an agree-
4 ment entered into before such date of enactment under
5 the section repealed by subsection (a) of this section.

6 (c) STATE, REGIONAL, AND LOCAL COOPERATION.—
7 Section 24101(c)(2) of title 49, United States Code, is
8 amended by inserting “, separately or in combination,”
9 after “and the private sector”.

10 (d) CONFORMING AMENDMENT.—Section
11 24312(a)(1) of title 49, United States Code, is amended
12 by striking “or 24704(b)(2)”.

13 **SEC. 206. AMTRAK COMMUTER.**

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

18 (b) CONFORMING AMENDMENTS.—(1) Section
19 24301(f) of title 49, United States Code, is amended to
20 read as follows:

21 “(f) TAX EXEMPTION FOR CERTAIN COMMUTER AU-
22 THORITIES.—A commuter authority that was eligible to
23 make a contract with Amtrak Commuter to provide com-
24 muter rail passenger transportation but which decided to
25 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 (2) Subsection (a) of this section shall not affect any
5 trackage rights held by Amtrak or the Consolidated Rail
6 Corporation.

7 **SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST**
8 **CORRIDOR.**

9 (a) DETERMINATION OF COMPENSATION.—Section
10 24904 of title 49, United States Code, is amended—

11 (1) by striking subsection (b);

12 (2) by redesignating subsection (c) as sub-
13 section (b);

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

16 (A) by striking “TRANSPORTATION OVER
17 CERTAIN RIGHTS OF WAY AND FACILITIES” in
18 the subsection head and inserting in lieu thereof
19 “FREIGHT TRANSPORTATION”;

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

23 (C) by inserting “to an agreement de-
24 scribed in paragraph (1)” after “If the parties”
25 in paragraph (2); and

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

4 “(c) BINDING ARBITRATION FOR COMMUTER DIS-
5 PUTES.—(1) If the parties to an agreement described in
6 subsection (a)(6) relating to commuter rail passenger
7 transportation cannot agree to the terms of such agree-
8 ment, such parties shall submit the issues in dispute to
9 binding arbitration.

10 “(2) The parties to a dispute described in paragraph
11 (1) may agree to use the Surface Transportation Board
12 to arbitrate such dispute, and if requested the Surface
13 Transportation Board shall perform such function.”.

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

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

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

24 Section 24315 of title 49, United States Code, is
25 amended—

1 (1) in subsection (e), by inserting “financial or”
2 after “Comptroller General may conduct”; and

3 (2) 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—COLLECTIVE**
10 **BARGAINING REFORMS**

11 **SEC. 301. RAILWAY LABOR ACT PROCEDURES.**

12 (a) NOTICES.—Notwithstanding any arrangement in
13 effect before the date of the enactment of this Act, notices
14 under section 6 of the Railway Labor Act (45 U.S.C. 156)
15 with respect to all issues relating to—

16 (1) employee protective arrangements and sev-
17 erance benefits, including all provisions of Appendix
18 C–2 to the National Railroad Passenger Corporation
19 Agreement, signed July 5, 1973; and

20 (2) contracting out by Amtrak of work normally
21 performed by an employee in a bargaining unit cov-
22 ered by a contract between Amtrak and a labor or-
23 ganization representing Amtrak employees,
24 applicable to employees of Amtrak shall be deemed served
25 and effective on the date which is 90 days after the date

1 of the enactment of this Act. Amtrak, and each affected
2 labor organization representing Amtrak employees, shall
3 promptly supply specific information and proposals with
4 respect to each such notice. This subsection shall not apply
5 to issues relating to provisions defining the scope or classi-
6 fication of work performed by an Amtrak employee.

7 (b) NATIONAL MEDIATION BOARD EFFORTS.—Ex-
8 cept as provided in subsection (c), the National Mediation
9 Board shall complete all efforts, with respect to each dis-
10 pute described in subsection (a), under section 5 of the
11 Railway Labor Act (45 U.S.C. 155) not later than 180
12 days after the date of the enactment of this Act.

13 (c) RAILWAY LABOR ACT ARBITRATION.—The par-
14 ties to any dispute described in subsection (a) may agree
15 to submit the dispute to arbitration under section 7 of the
16 Railway Labor Act (45 U.S.C. 157), and any award re-
17 sulting therefrom shall be retroactive to the date which
18 is 180 days after the date of the enactment of this Act.

19 (d) DISPUTE RESOLUTION.—(1) With respect to any
20 dispute described in subsection (a) which—

21 (A) is unresolved as of the date which is 180
22 days after the date of the enactment of this Act; and

23 (B) is not submitted to arbitration as described
24 in subsection (c),

1 Amtrak and the labor organization parties to such dispute
2 shall, within 187 days after the date of the enactment of
3 this Act, each select an individual from the entire roster
4 of arbitrators maintained by the National Mediation
5 Board. Within 194 days after the date of the enactment
6 of this Act, the individuals selected under the preceding
7 sentence shall jointly select an individual from such roster
8 to make recommendations with respect to such dispute
9 under this subsection.

10 (2) No individual shall be selected under paragraph
11 (1) who is pecuniarily or otherwise interested in any orga-
12 nization of employees or any railroad. Nothing in this sub-
13 section shall preclude an individual from being selected for
14 more than 1 dispute described in subsection (a).

15 (3) The compensation of individuals selected under
16 paragraph (1) shall be fixed by the National Mediation
17 Board. The second paragraph of section 10 of the Railway
18 Labor Act shall apply to the expenses of such individuals
19 as if such individuals were members of a board created
20 under such section 10.

21 (4) If the parties to a dispute described in subsection
22 (a) fail to reach agreement within 224 days after the date
23 of the enactment of this Act, the individual selected under
24 paragraph (1) with respect to such dispute shall make rec-

1 ommendations to the parties proposing contract terms to
2 resolve the dispute.

3 (5) If the parties to a dispute described in subsection
4 (a) fail to reach agreement, no change shall be made by
5 either of the parties in the conditions out of which the
6 dispute arose for 30 days after recommendations are made
7 under paragraph (4).

8 (6) Section 10 of the Railway Labor Act (45 U.S.C.
9 160) shall not apply to a dispute described in subsection
10 (a).

11 **SEC. 302. SERVICE DISCONTINUANCE.**

12 (a) REPEAL.—(1) Section 24706(c) of title 49, Unit-
13 ed States Code, is repealed.

14 (2) Any provision of a contract, entered into before
15 the date of the enactment of this Act between Amtrak and
16 a labor organization representing Amtrak employees, re-
17 lating to—

18 (A) employee protective arrangements and sev-
19 erance benefits, including all provisions of Appendix
20 C–2 to the National Railroad Passenger Corporation
21 Agreement, signed July 5, 1973; or

22 (B) contracting out by Amtrak of work nor-
23 mally performed by an employee in a bargaining
24 unit covered by a contract between Amtrak and a
25 labor organization representing Amtrak employees,

1 applicable to employees of Amtrak is extinguished. This
2 paragraph shall not apply to provisions defining the scope
3 or classification of work performed by an Amtrak em-
4 ployee.

5 (3) Section 1172(c) of title 11, United States Code,
6 shall not apply to Amtrak and its employees.

7 (4) Paragraphs (1) and (2) of this subsection shall
8 take effect 254 days after the date of the enactment of
9 this Act.

10 (b) INTERCITY PASSENGER SERVICE EMPLOYEES.—
11 Section 1165(a) of the Northeast Rail Service Act of 1981
12 (45 U.S.C. 1113(a)) is amended—

13 (1) by inserting “(1)” before “After January 1,
14 1983”;

15 (2) by striking “Amtrak, Amtrak Commuter,
16 and Conrail” and inserting in lieu thereof “Amtrak
17 and Conrail”;

18 (3) by striking “Such agreement shall ensure”
19 and all that follows through “submitted to binding
20 arbitration.”; and

21 (4) by adding at the end the following new
22 paragraph:

23 “(2) Notwithstanding any other provision of law,
24 agreement, or arrangement, with respect to employees in
25 any class or craft in train or engine service, Conrail shall

1 have the right to furlough one such employee for each em-
2 ployee in train or engine service who moves from Amtrak
3 to Conrail in excess of the cumulative number of such em-
4 ployees who move from Conrail to Amtrak. Conrail shall
5 not be obligated to fill any position governed by an agree-
6 ment concerning crew consist, attrition arrangements, re-
7 serve boards, or reserve engine service positions, where an
8 increase in positions is the result of the return of an Am-
9 trak employee pursuant to an agreement entered into
10 under paragraph (1). Conrail's collective bargaining agree-
11 ments with organizations representing its train and engine
12 service employees shall be deemed to have been amended
13 to conform to this paragraph. Any dispute or controversy
14 with respect to the interpretation, application, or enforce-
15 ment of this paragraph which has not been resolved within
16 90 days after the date of the enactment of this paragraph
17 may be submitted by either party to an adjustment board
18 for a final and binding decision under section 3 of the
19 Railway Labor Act.".

20 **TITLE IV—USE OF RAILROAD** 21 **FACILITIES**

22 **SEC. 401. LIABILITY LIMITATION.**

23 (a) AMENDMENT.—Chapter 281 of title 49, United
24 States Code, is amended by adding at the end the follow-
25 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 rail passenger transportation operations over or rail
10 passenger transportation use of right-of-way or facilities
11 owned, leased, or maintained by any high-speed railroad
12 authority or operator, any commuter authority or opera-
13 tor, any rail carrier, or any State—

14 “(A) punitive damages shall not exceed the
15 greater of—

16 “(i) \$250,000; or

17 “(ii) three times the amount of economic
18 loss; and

19 “(B) noneconomic damages awarded to any
20 claimant for each accident or incident shall not ex-
21 ceed the claimant’s economic loss, if any, by more
22 than \$250,000.

23 “(2) If, in any case wherein death was caused, the
24 law of the place where the act or omission complained of
25 occurred provides, or has been construed to provide, for
26 damages only punitive in nature, the claimant may recover

1 in a claim limited by this subsection for economic and non-
2 economic damages and punitive damages, subject to para-
3 graph (1)(A) and (B).

4 “(3) For purposes of this subsection—

5 “(A) the term ‘actual damages’ means damages
6 awarded to pay for economic loss;

7 “(B) the term ‘claim’ means a claim made, di-
8 rectly or indirectly—

9 “(i) against Amtrak, any high-speed rail-
10 road authority or operator, any commuter au-
11 thority or operator, any rail carrier, or any
12 State; or

13 “(ii) against an officer, employee, affiliate
14 engaged in railroad operations, or agent, of
15 Amtrak, any high-speed railroad authority or
16 operator, any commuter authority or operator,
17 any rail carrier, or any State;

18 “(C) the term ‘economic loss’ means any pecu-
19 niary loss resulting from harm, including the loss of
20 earnings, medical expense loss, replacement services
21 loss, loss due to death, burial costs, loss of business
22 or employment opportunities, and any other form of
23 pecuniary loss allowed under applicable State law or
24 under paragraph (2) of this subsection;

1 “(D) the term ‘noneconomic damages’ means
2 damages other than punitive damages or actual
3 damages; and

4 “(E) the term ‘punitive damages’ means dam-
5 ages awarded against any person or entity to punish
6 or deter such person or entity, or others, from en-
7 gaging in similar behavior in the future.

8 “(b) INDEMNIFICATION OBLIGATIONS.—Obligations
9 of any party, however arising, including obligations arising
10 under leases or contracts or pursuant to orders of an ad-
11 ministrative agency, to indemnify against damages or li-
12 ability for personal injury, death, or damage to property
13 described in subsection (a), incurred after the date of the
14 enactment of the Amtrak Reform and Privatization Act
15 of 1997, shall be enforceable, notwithstanding any other
16 statutory or common law or public policy, or the nature
17 of the conduct giving rise to the damages or liability.

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

23 “(d) DEFINITION.—For purposes of this section, the
24 term ‘rail carrier’ includes a person providing excursion,

1 scenic, or museum train service, and an owner or operator
2 of a privately owned rail passenger car.”.

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

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

6 **TITLE V—FINANCIAL REFORMS**

7 **SEC. 501. FINANCIAL POWERS.**

8 (a) CAPITALIZATION.—(1) Section 24304 of title 49,
9 United States Code, is amended to read as follows:

10 **“§ 24304. Employee stock ownership plans**

11 “In issuing stock pursuant to applicable corporate
12 law, Amtrak is encouraged to include employee stock own-
13 ership plans.”.

14 (2) The item relating to section 24304 of title 49,
15 United States Code, in the table of sections of chapter 243
16 of such title is amended to read as follows:

“24304. Employee stock ownership plans.”.

17 (b) REDEMPTION OF COMMON STOCK.—(1) Amtrak
18 shall, within 2 months after the date of the enactment of
19 this Act, redeem all common stock previously issued, for
20 the fair market value of such stock.

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

1 (3) Amtrak shall redeem any such common stock held
2 after the expiration of the 2-month period described in
3 paragraph (1), using procedures set forth in section
4 24311(a) and (b).

5 (c) ELIMINATION OF LIQUIDATION PREFERENCE
6 AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A)
7 Preferred stock of Amtrak held by the Secretary of Trans-
8 portation shall confer no liquidation preference.

9 (B) Subparagraph (A) shall take effect 90 days after
10 the date of the enactment of this Act.

11 (2)(A) Preferred stock of Amtrak held by the Sec-
12 retary of Transportation shall confer no voting rights.

13 (B) Subparagraph (A) shall take effect 60 days after
14 the date of the enactment of this Act.

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

19 (2) The United States hereby relinquishes all rights
20 held in connection with any note obtained or mortgage
21 made under such section 24907, or in connection with the
22 note, security agreement, and terms and conditions related
23 thereto entered into with Amtrak dated October 5, 1983.

1 (3) No amount shall be includible in Amtrak’s gross
2 income for Federal tax purposes as a result of the applica-
3 tion of this subsection or subsection (c).

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

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

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

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

16 “(d) ADMINISTRATION OF APPROPRIATIONS.—Fed-
17 eral operating assistance funds appropriated to Amtrak
18 shall be provided to Amtrak upon appropriation when re-
19 quested by Amtrak.”.

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

21 (a) AMENDMENT.—Section 24302 of title 49, United
22 States Code, is amended to read as follows:

23 **“§ 24302. Board of Directors**

24 “(a) EMERGENCY REFORM BOARD.—

1 “(1) ESTABLISHMENT AND DUTIES.—The
2 Emergency Reform Board described in paragraph
3 (2) shall assume the responsibilities of the Board of
4 Directors of Amtrak 60 days after the date of the
5 enactment of the Amtrak Reform and Privatization
6 Act of 1997, or as soon thereafter as such Board is
7 sufficiently constituted to function as a board of di-
8 rectors under applicable corporate law. Such Board
9 shall adopt new bylaws, including procedures for the
10 selection of members of the Board of Directors
11 under subsection (c) which provide for employee rep-
12 resentation.

13 “(2) MEMBERSHIP.—(A) The Emergency Re-
14 form Board shall consist of 7 members appointed by
15 the President, by and with the advice and consent
16 of the Senate.

17 “(B) In selecting individuals for nominations
18 for appointments to the Emergency Reform Board,
19 the President should consult with—

20 “(i) the Speaker of the House of Rep-
21 resentatives concerning the appointment of two
22 members;

23 “(ii) the minority leader of the House of
24 Representatives concerning the appointment of
25 one member;

1 “(iii) the majority leader of the Senate
2 concerning the appointment of two members;
3 and

4 “(iv) the minority leader of the Senate con-
5 cerning the appointment of one member.

6 “(C) Appointments under subparagraph (A)
7 shall be made from among individuals who—

8 “(i) have technical qualification, profes-
9 sional standing, and demonstrated expertise in
10 the fields of intercity common carrier transpor-
11 tation and corporate management; and

12 “(ii) are not employees of Amtrak, employ-
13 ees of the United States, or representatives of
14 rail labor or rail management.

15 “(b) DIRECTOR GENERAL.—If the Emergency Re-
16 form Board described in subsection (a)(2) is not suffi-
17 ciently constituted to function as a board of directors
18 under applicable corporate law before the expiration of 60
19 days after the date of the enactment of the Amtrak Re-
20 form and Privatization Act of 1997, the Chief Justice of
21 the United States shall appoint a Director General, who
22 shall exercise all powers of the Board of Directors of Am-
23 trak until the Emergency Reform Board assumes such
24 powers.

1 “(c) BOARD OF DIRECTORS.—Four years after the
2 establishment of the Emergency Reform Board under sub-
3 section (a), a Board of Directors shall be selected pursu-
4 ant to bylaws adopted by the Emergency Reform Board,
5 and the Emergency Reform Board shall be dissolved.

6 “(d) AUTHORITY TO RECOMMEND PLAN.—The
7 Emergency Reform Board shall have the authority to rec-
8 ommend to the Congress a plan to implement the rec-
9 ommendations of the 1997 Working Group on Inter-City
10 Rail regarding the transfer of Amtrak’s infrastructure as-
11 sets and responsibilities to a new separately governed cor-
12 poration.”.

13 (b) EFFECT ON AUTHORIZATIONS.—If the Emer-
14 gency Reform Board has not assumed the responsibilities
15 of the Board of Directors of Amtrak before March 15,
16 1998, all provisions authorizing appropriations under the
17 amendments made by section 701 of this Act for a fiscal
18 year after fiscal year 1998 shall cease to be effective.

19 **SEC. 504. REPORTS AND AUDITS.**

20 Section 24315 of title 49, United States Code, as
21 amended by section 208 of this Act, is further amended—

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

23 (2) by redesignating subsections (b), (d), (e),

24 (f), (g), and (h) as subsections (a), (b), (c), (d), (e),

25 and (f), respectively; and

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

4 **SEC. 505. OFFICERS’ PAY.**

5 Section 24303(b) of title 49, United States Code, is
6 amended by inserting “The preceding sentence shall cease
7 to be effective on the expiration of a fiscal year during
8 which no Federal operating assistance is provided to Am-
9 trak.” after “with comparable responsibility.”.

10 **SEC. 506. EXEMPTION FROM TAXES.**

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

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

16 (2) by striking “or fee imposed” and all that
17 follows through “levied on it” and inserting in lieu
18 thereof “, fee, head charge, or other charge, imposed
19 or levied by a State, political subdivision, or local
20 taxing authority, directly or indirectly on Amtrak or
21 on persons traveling in intercity rail passenger
22 transportation or on mail or express transportation
23 provided by Amtrak or a rail carrier subsidiary of
24 Amtrak, or on the carriage of such persons, mail, or

1 express, or on the sale of any such transportation,
2 or on the gross receipts derived therefrom”; and

3 (3) by amending the last sentence thereof to
4 read as follows: “In the case of a tax or fee that
5 Amtrak was required to pay as of September 10,
6 1982, Amtrak is not exempt from such tax or fee if
7 it was assessed before April 1, 1997.”.

8 **TITLE VI—MISCELLANEOUS**

9 **SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.**

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

14 (b) DUTIES.—The Council shall—

15 (1) evaluate Amtrak’s performance;

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

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

24 (4) recommend appropriate methods for adop-
25 tion of uniform cost and accounting procedures

1 throughout the Amtrak system, based on generally
2 accepted accounting principles.

3 (c) MEMBERSHIP.—(1) The Council shall consist of
4 7 members appointed as follows:

5 (A) Two individuals to be appointed by the
6 Speaker of the House of Representatives.

7 (B) One individual to be appointed by the mi-
8 nority leader of the House of Representatives.

9 (C) Two individuals to be appointed by the ma-
10 jority leader of the Senate.

11 (D) One individual to be appointed by the mi-
12 nority leader of the Senate.

13 (E) One individual to be appointed by the
14 President.

15 (2) Appointments under paragraph (1) shall be made
16 from among individuals who—

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

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

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

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

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

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

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

21 (2) Within 270 days after the date of the enactment
22 of this Act, the Council shall transmit to the Amtrak
23 board of directors and the Congress a final report on its
24 findings and recommendations.

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

5 **SEC. 602. PRINCIPAL PLACE OF BUSINESS.**

6 Section 24301(b) of title 49, United States Code, is
7 amended—

8 (1) by striking the first sentence;

9 (2) by striking “of the District of Columbia”
10 and inserting in lieu thereof “of the State in which
11 its principal place of business is located”; and

12 (3) by inserting “For purposes of this sub-
13 section, the term ‘State’ includes the District of Co-
14 lumbia. Notwithstanding section 3 of the District of
15 Columbia Business Corporation Act, Amtrak, if its
16 principal place of business is located in the District
17 of Columbia, shall be considered organized under the
18 provisions of such Act.” after “in a civil action.”.

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

20 Section 24301 of title 49, United States Code, is
21 amended—

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

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

3 “(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of
4 this title shall not apply to Amtrak, except for sections
5 11301, 11322(a), 11502, and 11706. Notwithstanding the
6 preceding sentence, Amtrak shall continue to be consid-
7 ered an employer under the Railroad Retirement Act of
8 1974, the Railroad Unemployment Insurance Act, and the
9 Railroad Retirement Tax Act.”.

10 **SEC. 604. WASTE DISPOSAL.**

11 Section 24301(m)(1)(A) of title 49, United States
12 Code, is amended by striking “1996” and inserting in lieu
13 thereof “2000”.

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

15 Section 24310 of title 49, United States Code, and
16 the item relating thereto in the table of sections of chapter
17 243 of such title, are repealed.

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

19 Section 24313 of title 49, United States Code, and
20 the item relating thereto in the table of sections of chapter
21 243 of such title, are repealed.

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

23 Section 24314 of title 49, United States Code, and
24 the item relating thereto in the table of sections of chapter
25 243 of such title, are repealed.

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

2 **MAIN LINE.**

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

6 (b) CONFORMING AMENDMENT.—Section
7 24902(a)(1)(A) of title 49, United States Code, is amend-
8 ed by striking “and 40 minutes”.

9 **SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION**
10 **PROJECT.**

11 Section 24902(f) of title 49, United States Code, is
12 amended—

13 (1) by inserting “(1)” before “Improvements
14 under”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2) Amtrak shall design and construct the elec-
18 trification system between Boston, Massachusetts, and
19 New Haven, Connecticut, to accommodate the installation
20 of a third mainline track between Davisville and Central
21 Falls, Rhode Island, to be used for double-stack freight
22 service to and from the Port of Davisville. Amtrak shall
23 also make clearance improvements on the existing main
24 line tracks to permit double stack service on this line, if
25 funds to defray the costs of clearance improvements be-
26 yond Amtrak’s own requirements for electrified passenger

1 service are provided by public or private entities other
2 than Amtrak. Wherever practicable, Amtrak shall use por-
3 tal structures and realign existing tracks on undergrade
4 and overgrade bridges to minimize the width of the right-
5 of-way required to add the third track. Amtrak shall take
6 such other steps as may be required to coordinate and fa-
7 cilitate design and construction work. The Secretary of
8 Transportation may provide appropriate support to Am-
9 trak for carrying out this paragraph.”.

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

11 (a) APPLICATION TO AMTRAK.—Amtrak, and with
12 respect only to the facilities it jointly uses with Amtrak,
13 a commuter authority, shall not be subject to any require-
14 ment under section 242(a)(1) and (3) and (e)(2) of the
15 Americans With Disabilities Act of 1990 (42 U.S.C.
16 12162(a)(1) and (3) and (e)(2)) until January 1, 1998.
17 For stations jointly used by Amtrak and a commuter au-
18 thority, this subsection shall not affect the allocation of
19 costs between Amtrak and the commuter authority relat-
20 ing to accessibility improvements.

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

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

24 (2) by redesignating subsection (c) as sub-
25 section (b).

1 **SEC. 611. 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 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. 612. NORTHEAST CORRIDOR COST DISPUTE.**

20 Section 1163 of the Northeast Rail Service Act of
21 1981 (45 U.S.C. 1111) is repealed.

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

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

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

4 **SEC. 614. CONSOLIDATED RAIL CORPORATION.**

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

8 **SEC. 615. INTERSTATE RAIL COMPACTS.**

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

14 (1) retaining an existing service or commencing
15 a new service;

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

17 (3) performing capital improvements, includ-
18 ing—

19 (A) the construction and rehabilitation of
20 maintenance facilities and intermodal passenger
21 facilities;

22 (B) the purchase of locomotives; and

23 (C) operational improvements, including
24 communications, signals, and other systems.

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

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

6 (2) use any Federal or State funds made avail-
7 able for intercity passenger rail service (except funds
8 made available for the National Railroad Passenger
9 Corporation);

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

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

14 (B) issue bonds; and

15 (4) obtain financing by other means permitted
16 under Federal or State law.

17 **SEC. 616. CONFORMING AMENDMENTS.**

18 Part C of subtitle V of title 49, United States Code,
19 is amended—

20 (1) in section 24102(2), by striking “Interstate
21 Commerce Commission” and inserting in lieu thereof
22 “Surface Transportation Board”;

23 (2) in section 24307(b)(3), as so redesignated
24 by section 610(b)(2) of this Act, by striking “Inter-

1 state Commerce Commission” and inserting in lieu
2 thereof “Surface Transportation Board”;

3 (3) in section 24308—

4 (A) by striking “Interstate Commerce
5 Commission” in subsection (a)(2)(A) and in-
6 serting in lieu thereof “Surface Transportation
7 Board”; and

8 (B) by striking “Commission” each place it
9 appears and inserting in lieu thereof “Board”;

10 (4) in section 24311(c)—

11 (A) by striking “Interstate Commerce
12 Commission” in paragraph (1) and inserting in
13 lieu thereof “Surface Transportation Board”;
14 and

15 (B) by striking “Commission” each place it
16 appears and inserting in lieu thereof “Board”;

17 (5) in section 24902(j)—

18 (A) by striking “Interstate Commerce
19 Commission” each place it appears and insert-
20 ing in lieu thereof “Surface Transportation
21 Board”; and

22 (B) by striking “Commission” each place it
23 appears and inserting in lieu thereof “Board”;

24 and

1 (6) in section 24904(b), as so redesignated by
2 section 207(a)(2) of this Act—

3 (A) by striking “Interstate Commerce
4 Commission” in paragraph (2) and inserting in
5 lieu thereof “Surface Transportation Board”;
6 and

7 (B) by striking “Commission” each place it
8 appears and inserting in lieu thereof “Board”.

9 **SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.**

10 The Secretary of Transportation shall transfer to
11 the State of Florida, pursuant to a grant or cooperative
12 agreement, title to aluminum reaction rail, power rail
13 base, and other related materials (originally used in con-
14 nection with the Prototype Air Cushion Vehicle Program
15 between 1973 and 1976) located at the Transportation
16 Technology Center near Pueblo, Colorado, for use by the
17 State of Florida to construct a magnetic levitation track
18 in connection with a project or projects being undertaken
19 by American Maglev Technology, Inc., to demonstrate
20 magnetic levitation technology in the United States. If
21 the materials are not used for such construction within
22 3 years after the date of the enactment of this Act, title
23 to such materials shall revert to the United States.

1 **SEC. 618. RAILROAD LOAN GUARANTEES.**

2 (a) DECLARATION OF POLICY.—Section 101(a)(4) of
3 the Railroad Revitalization and Regulatory Reform Act of
4 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

5 “(4) Continuation of service on, or preservation
6 of, light density lines that are necessary to continued
7 employment and community well-being throughout
8 the United States.”.

9 (b) MAXIMUM RATE OF INTEREST.—Section 511(f)
10 of the Railroad Revitalization and Regulatory Reform Act
11 of 1976 (45 U.S.C. 831(f)) is amended by striking “shall
12 not exceed an annual percentage rate which the Secretary
13 determines to be reasonable, taking into consideration the
14 prevailing interest rates for similar obligations in the pri-
15 vate market.” and inserting in lieu thereof “shall not ex-
16 ceed the annual percentage rate which is equivalent to the
17 cost of money to the United States.”.

18 (c) MINIMUM REPAYMENT PERIOD AND PREPAY-
19 MENT PENALTIES.—Section 511(g)(2) of the Railroad Re-
20 vitalization and Regulatory Reform Act of 1976 (45
21 U.S.C. 831(g)(2)) is amended to read as follows:

22 “(2) payment of the obligation is required by its
23 terms to be made not less than 15 years but not
24 more than 25 years from the date of its execution,
25 with no penalty imposed for prepayment after 5
26 years;”.

1 (d) DETERMINATION OF REPAYABILITY.—Section
2 511(g)(5) of the Railroad Revitalization and Regulatory
3 Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended
4 to read as follows:

5 “(5) either the loan can reasonably be repaid by
6 the applicant or the loan is collateralized at no more
7 than the current value of assets being financed
8 under this section to provide protection to the Unit-
9 ed States;”.

10 **TITLE VII—AUTHORIZATION OF** 11 **APPROPRIATIONS**

12 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) CAPITAL EXPENDITURES.—Section 24104(a) of
14 title 49, United States Code, is amended to read as fol-
15 lows:

16 “(a) CAPITAL EXPENDITURES.—There are author-
17 ized to be appropriated to the Secretary of Transpor-
18 tation—

19 “(1) \$230,000,000 for fiscal year 1995;

20 “(2) \$230,000,000 for fiscal year 1996;

21 “(3) \$224,000,000 for fiscal year 1997;

22 “(4) \$501,000,000 for fiscal year 1998;

23 “(5) \$516,000,000 for fiscal year 1999; and

24 “(6) \$531,000,000 for fiscal year 2000,

1 for the benefit of Amtrak for capital expenditures under
2 chapters 243 and 247 of this title.”.

3 (b) OPERATING EXPENSES.—Section 24104(b) of
4 title 49, United States Code, is amended to read as fol-
5 lows:

6 “(b) OPERATING EXPENSES.—There are authorized
7 to be appropriated to the Secretary of Transportation—

8 “(1) \$542,000,000 for fiscal year 1995;

9 “(2) \$405,000,000 for fiscal year 1996;

10 “(3) \$365,000,000 for fiscal year 1997;

11 “(4) \$387,000,000 for fiscal year 1998;

12 “(5) \$292,000,000 for fiscal year 1999; and

13 “(6) \$242,000,000 for fiscal year 2000,

14 for the benefit of Amtrak for operating expenses.”.

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

18 “(c) ADDITIONAL AUTHORIZATIONS.—In addition to
19 amounts appropriated under subsection (a), there are au-
20 thorized to be appropriated to the Secretary of Transpor-
21 tation—

22 “(1) \$200,000,000 for fiscal year 1995;

23 “(2) \$115,000,000 for fiscal year 1996;

24 “(3) \$255,000,000 for fiscal year 1997;

25 “(4) \$250,000,000 for fiscal year 1998;

1 “(5) \$250,000,000 for fiscal year 1999; and

2 “(6) \$250,000,000 for fiscal year 2000.

3 for the benefit of Amtrak to make capital expenditures
4 under chapter 249 of this title.”.

5 (d) REDUCTION OF AMOUNTS.—Section 24104 of
6 title 49, United States Code, is further amended by adding
7 at the end the following new subsection:

8 “(g) REDUCTION OF AMOUNTS.—For each fiscal
9 year, the total amount authorized to be appropriated
10 under subsections (a) and (c) combined shall be reduced
11 by any amount made available to Amtrak from an inter-
12 city passenger transportation trust fund for that fiscal
13 year.”.

14 (e) CONFORMING AMENDMENTS.—Section 24909 of
15 title 49, United States Code, and the item relating thereto
16 in the table of sections of chapter 249 of such title, are
17 repealed.

18 (f) GUARANTEE OF OBLIGATIONS.—There are au-
19 thorized to be appropriated to the Secretary of Transpor-
20 tation—

21 (1) \$50,000,000 for fiscal year 1998;

22 (2) \$50,000,000 for fiscal year 1999; and

23 (3) \$50,000,000 for fiscal year 2000,

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

4 (g) CONDITIONS FOR GUARANTEE OF OBLIGA-
5 TIONS.—Section 511(i) of the Railroad Revitalization and
6 Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is
7 amended by adding at the end the following new para-
8 graph:

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

○