

108TH CONGRESS
1ST SESSION

H. R. 2726

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2003

Ms. CARSON of Indiana (for herself, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. PAYNE, Ms. LEE, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on 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; AMENDMENT OF TITLE 49;**

4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “National Defense Rail Act”.

7 (b) AMENDMENT OF TITLE 49.—Except as otherwise
8 expressly provided, whenever in this Act an amendment

1 or repeal is expressed in terms of an amendment to, or
 2 a repeal of, a section or other provision, the reference shall
 3 be considered to be made to a section or other provision
 4 of title 49, United States Code.

5 (c) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; amendment of title 49; table of contents.
- Sec. 2. Findings.

TITLE I—RAIL TRANSPORTATION SECURITY

- Sec. 101. Rail transportation security risk assessment.
- Sec. 102. Rail security.
- Sec. 103. Study of foreign rail transport security programs.
- Sec. 104. Passenger, baggage, and cargo screening.
- Sec. 105. Certain personnel limitations not to apply.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

- Sec. 201. Interstate railroad passenger high-speed transportation policy.
- Sec. 202. High-speed rail corridor planning.
- Sec. 203. Implementation assistance.
- Sec. 204. Designated high-speed rail corridors.
- Sec. 205. Labor standards.
- Sec. 206. Railway-highway crossings in high-speed rail corridors.
- Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

- Sec. 301. National railroad passenger transportation system defined.
- Sec. 302. Amtrak authorizations.
- Sec. 303. Additional Amtrak authorizations.
- Sec. 304. Northeast Corridor authorizations.
- Sec. 305. Long-distance trains.
- Sec. 306. Short-distance trains; State-supported routes.
- Sec. 307. Reestablishment of Northeast Corridor Safety Committee.
- Sec. 308. On-time performance.
- Sec. 309. Amtrak board of directors.
- Sec. 310. Establishment of financial accounting system for Amtrak operations
by independent auditor.
- Sec. 311. Development of 5-year financial plan.
- Sec. 312. Revised reporting methodology required.
- Sec. 313. Appropriated amounts to be spent proportionately.
- Sec. 314. Independent auditor to establish criteria for Amtrak route and service
planning decisions.
- Sec. 315. Northeast Corridor defined.

TITLE IV—MISCELLANEOUS

Sec. 401. Rehabilitation, improvement, and security financing.

Sec. 402. Rail passenger cooperative research program.

Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.

Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Financial investment in passenger rail in-
4 frastructure is critical, and Federal leadership is re-
5 quired to address the needs of a reliable, safe, secure
6 passenger rail network, just as has been used in es-
7 tablishing the interstate highway system and the
8 Federal aviation network.

9 (2) Lack of investment and attention to the
10 needs of passenger rail infrastructure has resulted in
11 a weak passenger rail network, and has caused a
12 strain on the capacity of other modes of transpor-
13 tation in many areas of the country. According to
14 the Department of Transportation, in 1999 the cost
15 of wasted time and extra fuel consumption due to
16 delays on congested roads was estimated at
17 \$78,000,000,000.

18 (3) Passenger rail is an integral part of the
19 United States transportation system, and, as can be
20 evidenced in the Northeast Corridor, relieves the
21 pressures of congestion on highways and at airports,
22 and creates a more balanced system of transpor-
23 tation alternatives.

1 (4) Passenger rail service has been a vital in-
2 strument in the transportation needs of our nation.
3 For instance, during World War II, the privately
4 owned, operated, and constructed railroad industry
5 transported 90 percent of all defense freight, and 97
6 percent of all defense personnel transported to
7 points of embarkation for theaters of action. By the
8 end of the war, railroads accounted for three quar-
9 ters of the share of the common carrier share of
10 intercity traffic, with airplanes and buses sharing
11 the remaining quarter of traffic.

12 (5) Significant attention and Federal funding
13 were required to construct the Eisenhower System of
14 Interstate and Defense Highways. The Federal Aid
15 Highway Act of 1956 established a Highway Trust
16 Fund based upon Federal user taxes in order to fi-
17 nance up to 90 percent of the costs of the
18 \$25,000,000,000 highway construction plan.

19 (6) Federal policies with respect to investment
20 in aviation resulted in a strengthened aviation indus-
21 try and the rapid development of air passenger serv-
22 ice, and by the late 1960's most rail companies were
23 petitioning the government to discontinue passenger
24 services because of losses.

1 (7) Amtrak was established in 1971 by the Rail
2 Passenger Service Act to provide passenger rail serv-
3 ices in the United States as a public service; at the
4 time of Amtrak's formation, freight railroads were
5 losing money on unprofitable passenger rail oper-
6 ations. Since 1971 Amtrak has received only
7 \$25,000,000,000 in public subsidies; during that pe-
8 riod, the United States invested over
9 \$570,000,000,000 on highways and aviation.

10 (8) The Amtrak Reform and Accountability Act
11 of 1997, and preceding statutes, resulted in creating
12 conflicting missions for the National Railroad Pas-
13 senger Corporation of both serving a public function
14 by operating unprofitable long-distance routes while
15 also attempting to operate at a profit. This policy
16 has also restricted Amtrak's profit potential on the
17 Northeast Corridor by limiting the capital expendi-
18 tures to help defray other costs.

19 (9) Due to a lack of capital investment, the
20 Northeast Corridor has accumulated a backlog of re-
21 pair needs, including life safety and security needs.
22 Investment in the capital needs of the Northeast
23 Corridor would result in capacity improvements
24 which would result in greater utilization of the exist-
25 ing infrastructure.

1 (10) The Department of Transportation Inspec-
2 tor General's 2001 Assessment of Amtrak's Finan-
3 cial Performance and Requirements (Report # CR-
4 2002-075) found that Amtrak's lack of available
5 capital has impeded its efforts to achieve financial
6 goals.

7 (11) In order to attempt to meet the mandate
8 of the Amtrak Reform and Accountability Act of
9 1997, Amtrak has been forced to delay capital im-
10 provement projects and other projects which would
11 produce long-term benefits.

12 (12) The Department of Transportation Inspec-
13 tor General's 2001 Assessment of Amtrak's Finan-
14 cial Performance and Requirements (Report #CR-
15 2002-075) found that Amtrak's most profitable op-
16 erations are on the Northeast Corridor, where Fed-
17 eral investment in passenger rail infrastructure has
18 been significantly higher than anywhere else in the
19 country.

20 (13) Federal investments in capital projects to
21 support passenger rail in areas other than the
22 Northeast Corridor would result in improved service
23 and increase profitability.

24 (14) The need for a balanced interstate and
25 international transportation system that provides a

1 viable alternative to travel by private automobile or
2 commercial aircraft is particularly evident after the
3 events of September 11, 2001.

4 (15) As a matter of national security, a strong
5 passenger rail network would provide travelers an al-
6 ternative to highway and air travel, which could lead
7 to reduced United States reliance on foreign oil im-
8 ports.

9 (16) In fiscal year 2001, the United States
10 spent less than 1 percent of all transportation modal
11 spending on intercity passenger rail, and since 1998
12 Amtrak has received only \$2,800,000,000 of the
13 \$5,300,000,000 it has been authorized to receive by
14 Congress.

15 (17) Passenger rail in the United States has no
16 stable funding source, in contrast to highways, avia-
17 tion, and transit.

18 (18) Per capita spending on passenger rail is
19 much higher in other countries than the United
20 States and, in fact, the United States ranks behind
21 other countries including Canada, Japan, France,
22 Great Britain, Italy, Spain, Austria, Switzerland,
23 Belgium, Sweden, Luxembourg, Denmark, Ireland,
24 Norway, the Czech Republic, Finland, Slovakia, Por-
25 tugal, Poland, South Africa, Greece, and Estonia.

1 (19) The United States needs to engage in
2 long-term planning to foster and address future pas-
3 senger transportation growth and show forethought
4 regarding transportation solutions rather than be
5 forced to act due to an impending crisis.

6 (20) It is in the national interest to preserve
7 passenger rail service in the United States and to
8 maintain the solvency of the National Railroad Pas-
9 senger Corporation.

10 (21) Long-term planning and support for pas-
11 senger rail will help offset the emerging problems
12 created by transportation congestion, and contribute
13 to a cleaner and more environmentally friendly
14 transportation system.

15 (22) A comprehensive reevaluation of our Na-
16 tion's rail passenger policy is required and a clearly
17 defined role for Amtrak and a connected rail pas-
18 senger network must be established.

19 (23) The Federal Government must take the
20 primary responsibility for developing national rail-
21 road passenger transportation infrastructure, and
22 help ensure that it functions as an efficient network.
23 Privatization of the rail passenger industry in Great
24 Britain has been disastrous and passenger service
25 has suffered overall.

1 (B) deploying chemical and biological
2 weapon detection equipment;

3 (C) training employees in terrorism re-
4 sponse activities; and

5 (D) identifying the immediate and long-
6 term economic impact of measures that may be
7 required to address those risks.

8 (2) EXISTING PRIVATE AND PUBLIC SECTOR
9 EFFORTS.—The assessment shall include a review of
10 any actions already taken or prospective actions nec-
11 essary to address identified security issues by both
12 public and private entities.

13 (3) RAILROAD CROSSING DELAYS.—The Sec-
14 retary of Homeland Security shall include in the as-
15 sessment an analysis of the risks to public safety
16 and to the security of rail transportation that are as-
17 sociated with long delays in the movement of trains
18 that have stopped on railroad grade crossings of
19 highways, streets, and other roads for motor vehicle
20 traffic, especially in major metropolitan areas. The
21 Secretary of Homeland Security shall include in the
22 recommendations developed under paragraph (1)
23 recommended actions for preventing such delays and
24 reducing the risks identified in the analysis.

1 (b) CONSULTATION; USE OF EXISTING RE-
2 SOURCES.—In carrying out the assessment required by
3 subsection (a), the Secretary of Homeland Security shall
4 consult with rail management, rail labor, facility owners
5 and operators, and public safety officials (including offi-
6 cials responsible for responding to emergencies).

7 (c) REPORT.—

8 (1) CONTENTS.—Within 180 days after the
9 date of enactment of this Act, the Secretary of
10 Homeland Security shall transmit to the Senate
11 Committee on Commerce, Science, and Transpor-
12 tation and the House of Representatives Committee
13 on Transportation and Infrastructure a report, with-
14 out compromising national security, containing the
15 assessment and prioritized recommendations re-
16 quired by subsection (a).

17 (2) FORMAT.—The Secretary of Homeland Se-
18 curity may submit the report in both classified and
19 redacted formats if the Secretary of Homeland Secu-
20 rity determines that such action is appropriate or
21 necessary.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary of
24 Homeland Security \$515,000,000 for fiscal year 2004 to
25 carry out this section, implement the measures contained

1 in the Secretary's prioritized recommendations, and award
2 grants for purposes identified in the assessment in sub-
3 section (a), such sums to remain available until expended.

4 **SEC. 102. RAIL SECURITY.**

5 (a) RAIL POLICE OFFICERS.—Section 28101 is
6 amended by striking “the rail carrier” each place it ap-
7 pears and inserting “any rail carrier”.

8 (b) REVIEW OF RAIL REGULATIONS.—Within 180
9 days after the date of enactment of this Act, the Secretary
10 of Transportation, in consultation with the Department of
11 Homeland Security, shall review existing rail regulations
12 of the Department of Transportation for the purpose of
13 identifying areas in which those regulations need to be re-
14 vised to improve rail safety and security.

15 **SEC. 103. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**
16 **PROGRAMS.**

17 (a) REQUIREMENT FOR STUDY.—Not later than De-
18 cember 1, 2004, the Comptroller General shall carry out
19 a study of the rail passenger transportation security pro-
20 grams that are carried out for rail transportation systems
21 in Japan, member nations of the European Union, and
22 other foreign countries.

23 (b) PURPOSE.—The purpose of the study shall be to
24 identify effective rail transportation security measures
25 that are in use in foreign rail transportation systems, in-

1 cluding innovative measures and screening procedures de-
2 termined effective.

3 (c) REPORT.—The Comptroller General shall submit
4 a report on the results of the study to Congress. The re-
5 port shall include the Comptroller General’s assessment
6 regarding whether it is feasible to implement within the
7 United States any of the same or similar security meas-
8 ures that are determined effective under the study.

9 **SEC. 104. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

10 (a) REQUIREMENT FOR STUDY AND REPORT.—The
11 Secretary of Homeland Security shall—

12 (1) study the cost and feasibility of requiring
13 security screening for all passengers, baggage, and
14 mail, express, and other cargo on Amtrak trains;
15 and

16 (2) report the results of the study, together
17 with any recommendations that the Secretary may
18 have for implementing a rail security screening pro-
19 gram, to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives not later than one year after the
23 date of enactment of this Act.

24 (b) PILOT PROGRAM.—As part of the study under
25 subsection (a), the Secretary shall conduct a pilot program

1 of random security screening of passengers and baggage
 2 at 5 of the 10 busiest passenger rail stations served by
 3 Amtrak (measured by the average number of boardings
 4 of Amtrak passenger trains) and at up to five additional
 5 rail stations served by Amtrak that are selected by the
 6 Secretary. In selecting the additional train stations the
 7 Secretary shall attempt to achieve a distribution of partici-
 8 pating stations in terms of geographic location and size.

9 **SEC. 105. CERTAIN PERSONNEL LIMITATIONS NOT TO**
 10 **APPLY.**

11 Any statutory limitation on the number of employees
 12 in the Transportation Security Administration of the De-
 13 partment of Transportation, before or after its transfer
 14 to the Department of Homeland Security, does not apply
 15 to the extent that any such employees are responsible for
 16 implementing the provisions of this title.

17 **TITLE II—INTERSTATE RAIL-**
 18 **ROAD PASSENGER HIGH-**
 19 **SPEED TRANSPORTATION**
 20 **SYSTEM**

21 **SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED**
 22 **TRANSPORTATION POLICY.**

23 (a) IN GENERAL.—Chapter 261 is amended by in-
 24 serting before section 26101 the following:

1 **“§ 26100. Policy**

2 “(a) IN GENERAL.—The Congress declares that it is
3 the policy of the United States that designated high-speed
4 railroad passenger transportation corridors are the build-
5 ing blocks of an interconnected interstate railroad pas-
6 senger system that serves the entire Nation.

7 “(b) SECRETARY REQUIRED TO ESTABLISH NA-
8 TIONAL HIGH-SPEED GROUND TRANSPORTATION POL-
9 ICY.—The Secretary of Transportation shall establish the
10 national high-speed ground transportation policy required
11 by section 309(e)(1) of this title no later than December
12 31, 2003.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) The chapter analysis for chapter 261 is
15 amended by inserting before the item relating to sec-
16 tion 26101 the following:

“26100. Policy”.

17 (2) Section 309(e)(1) is amended by striking
18 “Within 12 months after the submission of the
19 study required by subsection (d),” and inserting “No
20 later than December 31, 2003,”.

21 **SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.**

22 (a) IN GENERAL.—Section 26101(a) is amended to
23 read as follows:

24 “(a) PLANNING.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation shall provide planning assistance to States or
3 group of States and other public agencies promoting
4 the development of high-speed rail corridors des-
5 ignated by the Secretary under section 104(d) of
6 title 23.

7 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
8 NANCIAL ASSISTANCE.—The Secretary may provide
9 planning assistance under paragraph (1) directly or
10 by providing financial assistance to a public agency
11 or group of public agencies to undertake planning
12 activities approved by the Secretary.

13 “(3) 100 PERCENT FEDERAL FUNDING.—The
14 Secretary may permit, but may not require, a por-
15 tion of the publicly financed costs associated with el-
16 igible activities to come from non-Federal sources.

17 “(4) PRIORITIES TO CHICAGO, ATLANTA, DAL-
18 LAS/FORT WORTH, PORTLAND, AND ORLANDO.—In
19 determining projects to be undertaken pursuant to
20 this subsection, the Secretary shall give the highest
21 priorities to undertaking planning in the vicinity of
22 Union Station in Chicago, Illinois, in metropolitan
23 Atlanta, Georgia, in the Dallas/Fort Worth, Texas,
24 area, in the Portland, Oregon, area, and on the Or-
25 lando Corridor in Florida.”.

1 (b) CONFORMING AND OTHER AMENDMENTS TO
2 SECTION 26101.—Section 26101 is further amended—

3 (1) by striking subsection (c)(2) and inserting
4 the following:

5 “(2) the extent to which the proposed planning
6 focuses on high-speed rail systems, giving a priority
7 to systems which will achieve sustained speeds of
8 125 miles per hour or greater and projects involving
9 dedicated rail passenger rights-of-way;”;

10 (2) by inserting “and” after the semicolon in
11 subsection (c)(12);

12 (3) by striking “completed; and” in subsection
13 (c)(13) and inserting “completed.”; and

14 (4) by striking subsection (c)(14).

15 (c) CONFORMING AMENDMENT.—Section
16 26105(2)(A) is amended by striking “more than 125 miles
17 per hour;” and inserting “90 miles per hour or more;”.

18 (d) FINANCIAL ASSISTANCE TO INCLUDE LOANS
19 AND LOAN GUARANTEES.—Section 26105(1) is amended
20 by inserting “loans, loan guarantees,” after “contracts,”.

21 **SEC. 203. IMPLEMENTATION ASSISTANCE.**

22 (a) IN GENERAL.—Chapter 261 is amended by in-
23 serting after section 26101 the following:

24 **“§ 26101A. Implementation of corridor plans**

25 **“(a) IMPLEMENTATION ASSISTANCE.—**

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation shall provide implementation assistance to
3 States or groups of States and other public agencies
4 promoting the development of high-speed rail cor-
5 ridors designated by the Secretary under section
6 104(d) of title 23. The Secretary shall establish an
7 application and qualification process and, before pro-
8 viding assistance under this section, make a deter-
9 mination on the record that the applicant is quali-
10 fied and eligible for assistance under this section.

11 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
12 NANCIAL ASSISTANCE.—The Secretary may provide
13 implementation assistance under paragraph (1) di-
14 rectly or by providing financial assistance to a public
15 agency or group of public agencies to undertake im-
16 plementation activities approved by the Secretary.

17 “(3) 100 PERCENT FEDERAL SHARE.—The Sec-
18 retary may permit, but may not require, a portion
19 of the publicly financed costs associated with eligible
20 activities to come from non-Federal sources.

21 “(4) CONTRIBUTION OF LAND.—Notwith-
22 standing paragraph (3), the Secretary may accept
23 land contributed by a State for right-of-way, without
24 regard to whether the State acquired the land di-
25 rectly or indirectly through the use of Federal funds,

1 including transfers from the Highway Trust Fund
2 under section 9503 of the Internal Revenue Code of
3 1986.

4 “(5) PRIORITIES TO CHICAGO, ATLANTA, DAL-
5 LAS/FORT WORTH, PORTLAND, AND ORLANDO.—In
6 determining projects to be undertaken pursuant to
7 this subsection, the Secretary shall give the highest
8 priorities to undertaking implementation assistance
9 in the vicinity of Union Station in Chicago, Illinois,
10 in metropolitan Atlanta, Georgia, in the Dallas/Fort
11 Worth, Texas, area, in the Portland, Oregon, area,
12 and on the Orlando Corridor in Florida.

13 “(6) SPECIAL TRANSPORTATION CIR-
14 CUMSTANCES.—In carrying out this section, the Sec-
15 retary shall allocate an appropriate portion of the
16 amounts available for implementation assistance to
17 providing appropriate related assistance in any State
18 the rail transportation system of which—

19 “(A) is not physically connected to rail sys-
20 tems in the continental United States; and

21 “(B) may not otherwise qualify for high-
22 speed rail implementation assistance due to the
23 constraints imposed on the railway infrastruc-
24 ture in that State due to the unique character-
25 istics of the geography of that State or other

1 relevant considerations, as determined by the
2 Secretary.

3 “(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The
4 following activities are eligible for implementation assist-
5 ance under subsection (a):

6 “(1) Security planning and the acquisition of
7 security and emergency response equipment.

8 “(2) Operating expenses.

9 “(3) Infrastructure acquisition and construction
10 of track and facilities.

11 “(4) Highway-rail grade crossing eliminations
12 and improvements.

13 “(5) Acquisition of rights-of-way, locomotives,
14 rolling stock, track, and signal equipment.

15 “(c) CRITERIA FOR DETERMINING ASSISTANCE FOR
16 IMPLEMENTATION ACTIVITIES.—The Secretary, in select-
17 ing recipients of assistance under subsection (a), shall—

18 “(1) encourage the use of positive train control
19 technologies;

20 “(2) require that any project meet any existing
21 safety regulations, and give preference to any project
22 determined by the Secretary to have particularly
23 high levels of safety;

24 “(3) encourage intermodal connectivity by locat-
25 ing train stations in or near airports, bus terminals,

1 subway stations, ferry ports, and other modes of
2 transportation;

3 “(4) ensure a general regional balance in pro-
4 viding such assistance and avoid the concentration
5 of a disproportionate dedication of available financial
6 assistance resources to a single project or region of
7 the country; and

8 “(5) ensure that any project is compatible with,
9 and operated in conformance with, plans developed
10 pursuant to the requirements of sections 134 and
11 135 of title 23, United States Code.

12 “(d) OPERATORS DEEMED RAIL CARRIERS.—A per-
13 son that conducts rail operations funded or otherwise re-
14 ceiving assistance under this section is deemed to be a rail
15 carrier for purposes of part A of subtitle IV, when con-
16 ducting such operations.

17 “(e) DOMESTIC BUYING PREFERENCES.—

18 “(1) IN GENERAL.—In carrying out a project
19 assisted under this section, a recipient shall buy
20 only—

21 “(A) unmanufactured articles, material,
22 and supplies mined or produced in the United
23 States; or

24 “(B) manufactured articles, material, and
25 supplies manufactured in the United States

1 substantially from articles, material, and sup-
2 plies mined, produced, or manufactured in the
3 United States.

4 “(2) DE MINIMIS AMOUNT.—Paragraph (1) of
5 this subsection applies only when the cost of those
6 articles, material, or supplies bought is at least
7 \$1,000,000.

8 “(3) EXEMPTIONS.—On application of a recipi-
9 ent, the Secretary of Transportation may exempt a
10 recipient from the requirements of this subsection if
11 the Secretary decides that, for particular articles,
12 material, or supplies—

13 “(A) the requirements of paragraph (1) of
14 this subsection are inconsistent with the public
15 interest;

16 “(B) the cost of imposing those require-
17 ments is unreasonable; or

18 “(C) the articles, material, or supplies, or
19 the articles, material, or supplies from which
20 they are manufactured, are not mined, pro-
21 duced, or manufactured in the United States in
22 sufficient and reasonably available commercial
23 quantities, or if so mined, produced, or manu-
24 factured, are not of a satisfactory quality.

1 “(4) UNITED STATES DEFINED.—In this sub-
2 section, the term ‘the United States’ means the
3 States, Commonwealths, territories, and possessions
4 of the United States and the District of Columbia.

5 “(f) SECTION DOES NOT APPLY TO CERTAIN RAIL
6 OPERATIONS.—Nothing in this section applies to—

7 “(1) commuter rail passenger transportation
8 (as defined in section 24102(4)) operations of a
9 State or local government authority (as those terms
10 are defined in section 5302) eligible to receive finan-
11 cial assistance under section 5307, or to its con-
12 tractor performing services in connection with com-
13 muter rail passenger operations (as so defined); or

14 “(2) the Alaska Railroad or its contractors.”.

15 (b) RULEMAKING REQUIRED.—Within 90 days after
16 the date of enactment of this Act, the Secretary of Trans-
17 portation shall initiate a rulemaking to create an applica-
18 tion and qualification procedure for providing high-speed
19 rail corridor implementation assistance under section
20 26101A of title 49, United States Code.

21 (c) PROCEDURES FOR GRANT AWARD.—Within 90
22 days after the date of enactment of this Act, the Secretary
23 of Transportation shall initiate a rulemaking to create
24 procedures for the awarding of implementation assistance
25 under section 26101A of title 49, United States Code. The

1 procedures shall provide for the execution of a full funding
2 grant agreement between the applicant and the govern-
3 ment.

4 (d) COMPETITIVE BIDDING ON HIGH-SPEED RAIL
5 ROUTES.—The Secretary of Transportation shall not pro-
6 vide funding to a State or group of States and other public
7 agencies promoting a high-speed rail project under the
8 provisions of section 26101A of title 49, United States
9 Code, unless the State or group has provided for competi-
10 tive bidding for the project in accordance with the Uni-
11 form Administrative Requirements for Grants and Cooper-
12 ative Agreements to State and Local Governments (49
13 CFR section 18.36). Within 180 days after the date of
14 enactment of this Act, the Secretary, in consultation with
15 the States or groups of States and other public agencies,
16 shall issue criteria for the services to which the competitive
17 bidding required by this subsection applies. A train oper-
18 ator operating service with assistance provided under sec-
19 tion 26101A of title 49, United States Code, is deemed
20 to be a rail carrier for purposes of part A of subtitle IV
21 of title 49, United States Code, when operating such serv-
22 ice.

23 (e) CONFORMING AMENDMENT.—The chapter anal-
24 ysis for chapter 261 is amended by inserting after the item
25 relating to section 26101 the following:

“26101A. Implementation of corridor plans.”.

1 **SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 shall give priority in allocating funds authorized by section
4 26104 of title 49, United States Code, to designated high-
5 speed rail corridors.

6 (b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—
7 For purposes of subsection (a), the following shall be con-
8 sidered to be designated high-speed rail corridors:

9 (1) California Corridor connecting the San
10 Francisco Bay area and Sacramento to Los Angeles
11 and San Diego.

12 (2) Chicago Hub Corridor Network with the fol-
13 lowing spokes:

14 (A) Chicago to Detroit.

15 (B) Chicago to Minneapolis/St. Paul, Min-
16 nesota, via Milwaukee, Wisconsin.

17 (C) Chicago to Kansas City, Missouri, via
18 Springfield, Illinois, and St. Louis, Missouri.

19 (D) Chicago to Louisville, Kentucky, via
20 Indianapolis, Indiana, and Cincinnati, Ohio.

21 (E) Chicago to Cleveland, Ohio, via Toledo,
22 Ohio.

23 (F) Cleveland, Ohio, to Cincinnati, Ohio,
24 via Columbus, Ohio.

1 (3) Empire State Corridor from New York City,
2 New York, through Albany, New York, to Buffalo,
3 New York.

4 (4) Florida High-Speed Rail Corridor from
5 Tampa through Orlando to Miami.

6 (5) Gulf Coast Corridor from Houston, Texas,
7 through New Orleans, Louisiana, to Mobile, Ala-
8 bama, with a branch from New Orleans, through
9 Meridian, Mississippi, and Birmingham, Alabama, to
10 Atlanta, Georgia.

11 (6) Keystone Corridor from Philadelphia, Penn-
12 sylvania, through Harrisburg, Pennsylvania, to
13 Pittsburgh, Pennsylvania.

14 (7) Northeast Corridor from Washington, Dis-
15 trict of Columbia, through New York City, New
16 York, New Haven, Connecticut, and Providence,
17 Rhode Island, to Boston, Massachusetts, with a
18 branch from New Haven, Connecticut, to Spring-
19 field, Massachusetts.

20 (8) New England Corridor from Boston, Massa-
21 chusetts, to Portland and Auburn, Maine, and from
22 Boston, Massachusetts, through Concord, New
23 Hampshire, and Montpelier, Vermont, to Montreal,
24 Quebec.

1 (9) Pacific Northwest Corridor from Eugene,
2 Oregon, through Portland, Oregon, and Seattle,
3 Washington, to Vancouver, British Columbia.

4 (10) South Central Corridor from San Antonio,
5 Texas, through Dallas/Fort Worth to Little Rock,
6 Arkansas, with a branch from Dallas/Fort Worth
7 through Oklahoma City, Oklahoma, to Tulsa, Okla-
8 homa.

9 (11) Southeast Corridor from Washington, Dis-
10 trict of Columbia, through Richmond, Virginia, Ra-
11 leigh, North Carolina, Columbia, South Carolina,
12 Savannah, Georgia, and Jesup, Georgia, to Jackson-
13 ville, Florida, with—

14 (A) a branch from Raleigh, North Caro-
15 lina, through Charlotte, North Carolina, and
16 Greenville, South Carolina, to Atlanta, Georgia;
17 a branch from Richmond, to Hampton Roads/
18 Norfolk, Virginia;

19 (B) a branch from Charlotte, North Caro-
20 lina, to Columbia, South Carolina, to Charles-
21 ton, South Carolina;

22 (C) a connecting route from Atlanta, Geor-
23 gia, to Jesup, Georgia;

24 (D) a connecting route from Atlanta, Geor-
25 gia, to Charleston, South Carolina; and

1 (E) a branch from Raleigh, North Caro-
2 lina, through Fayetteville, North Carolina, and
3 Florence, South Carolina, to Charleston, South
4 Carolina, and Savannah, Georgia, with a con-
5 necting route from Florence, South Carolina, to
6 Myrtle Beach, South Carolina.

7 (12) Southwest Corridor from Los Angeles,
8 California, to Las Vegas, Nevada.

9 (c) OTHER HIGH-SPEED RAIL CORRIDORS.—For
10 purposes of this section, subsection (b)—

11 (1) does not limit the term “designated high-
12 speed rail corridor” to those corridors described in
13 subsection (b); and

14 (2) does not limit the Secretary of Transpor-
15 tation’s authority—

16 (A) to designate additional high-speed rail
17 corridors; or

18 (B) to terminate the designation of any
19 high-speed rail corridor.

20 **SEC. 205. LABOR STANDARDS.**

21 (a) CURRENT EMPLOYEE PROTECTIONS.—Nothing
22 in this title, or in any amendment made by this title, shall
23 affect the level of protection provided to freight railroad
24 employees, employees of the National Passenger Railroad

1 Corporation, and mass transportation employees as it ex-
2 isted on the day before the date of enactment of this Act.

3 (b) LABOR STANDARDS.—

4 (1) PREVAILING WAGES.—The Secretary of
5 Transportation—

6 (A) shall ensure that laborers and mechan-
7 ics employed by contractors and subcontractors
8 in construction work financed in whole or in
9 part by funds authorized by this title or by any
10 amendment made by this title will be paid
11 wages not less than those prevailing on similar
12 construction in the locality, as determined by
13 the Secretary of Labor under the Act of March
14 3, 1931 (known as the Davis-Bacon Act; 40
15 U.S.C. 276a et seq.); and

16 (B) may make such funds available with
17 respect to construction work only after being
18 assured that required labor standards will be
19 maintained on the construction work.

20 (2) WAGE RATES.—Wage rates in a collective
21 bargaining agreement negotiated under the Railway
22 Labor Act (45 U.S.C. 151 et seq.) are deemed for
23 purposes of this subsection to comply with the Act
24 of March 3, 1931 (known as the Davis-Bacon Act;
25 40 U.S.C. 276a et seq.).

1 tion a percentage of the costs of construction which shall
2 be deemed to represent the net benefit to the railroad or
3 railroads for the purpose of determining the railroad's
4 share of the cost of construction. The percentage so deter-
5 mined shall in no case exceed 10 per cent of such costs.
6 The Secretary shall determine the appropriate classifica-
7 tion of each project.

8 (c) LIABILITY OF RAILROAD.—Any railroad involved
9 in a project for the elimination of hazards of railway-high-
10 way crossings paid for in whole or in part from sums made
11 available under this section shall be liable to the United
12 States for the net benefit to the railroad determined under
13 the classification of such project made under subsection
14 (b). That liability to the United States may be discharged
15 by direct payment to the State transportation department
16 of the State in which the project is located, if the State
17 uses the payment for that project. The payment may con-
18 sist in whole or in part of materials and labor furnished
19 by the railroad in connection with the construction of the
20 project. If any such railroad fails to discharge such liabil-
21 ity within a 6-month period after completion of the
22 project, the Secretary shall request the Attorney General
23 to institute proceedings against such railroad for the re-
24 covery of the amount for which it is liable under this sub-
25 section. The Attorney General is authorized to bring such

1 proceedings on behalf of the United States, in the appro-
2 priate district court of the United States, and the United
3 States shall be entitled in such proceedings to recover such
4 sums as it is considered and adjudged by the court that
5 such railroad is liable for in the premises.

6 (d) SURVEY AND SCHEDULE OF PROJECTS.—For
7 purposes of this section, each State shall utilize the survey
8 it is required to conduct and maintain under section 130
9 of title 23, United States Code, to identify those high-
10 speed rail corridor railway-highway crossings that may re-
11 quire separation, relocation, or protective devices.

12 (e) FUNDS FOR PROTECTIVE DEVICES.—The Sec-
13 retary shall give priority under this section to the elimi-
14 nation of high-speed rail corridor railway-highway grade
15 crossings, but shall make funds authorized for obligation
16 or expenditure under this section available for the installa-
17 tion of protective devices at high-speed rail corridor rail-
18 way-highway crossings where appropriate.

19 (f) ANNUAL REPORT.—The Secretary shall report to
20 the Senate Committee on Commerce, Science, and Trans-
21 portation and the House of Representatives Committee on
22 Transportation and Infrastructure not later than Decem-
23 ber 30 of each year on the progress being made to imple-
24 ment the railway-highway crossings program authorized
25 by this section and the effectiveness of such improvements.

1 Each report shall contain an assessment of the costs of
2 the various treatments employed and subsequent accident
3 experience at improved locations. The report shall in-
4 clude—

5 (1) the number of projects undertaken, their
6 distribution by cost range, road system, nature of
7 treatment, and subsequent accident experience at
8 improved locations;

9 (2) an analysis and evaluation of the program
10 activities in each State, including identification of
11 any State found not to be in compliance with the
12 schedule of improvements required by subsection (d);
13 and

14 (3) recommendations for future implementation
15 of the railway-highway crossings program under this
16 section and section 130 of title 23, United States
17 Code.

18 (g) USE OF FUNDS FOR MATCHING.—Funds author-
19 ized to be appropriated to carry out this section may be
20 used to provide a local government with funds to be used
21 on a matching basis when State funds are available which
22 may only be spent when the local government produces
23 matching funds for the improvement of high-speed rail-
24 way-highway crossings.

1 (h) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING
2 CLOSURES.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of this section and subject to paragraphs
5 (2) and (3), the Secretary may make incentive pay-
6 ments to a local government upon the permanent
7 closure by such government of public at-grade high-
8 speed rail corridor railway-highway crossings under
9 its jurisdiction.

10 (2) PAYMENTS BY RAILROADS.—The Secretary
11 may not make an incentive payment under para-
12 graph (1) to a local government with respect to the
13 closure of a crossing unless the railroad owning or
14 operating the tracks on which the crossing is located
15 makes a payment to the local government with re-
16 spect to the closure.

17 (3) AMOUNT OF FEDERAL INCENTIVE PAY-
18 MENT.—The amount of the incentive payment pay-
19 able to a local government under paragraph (1) with
20 respect to a crossing may not exceed the lesser of—

21 (A) the amount of the payment paid to the
22 government with respect to the crossing by the
23 railroad concerned under paragraph (2); or

24 (B) \$7,500.

1 (i) COORDINATION WITH TITLE 23 PROGRAM.—In
2 carrying out this section, the Secretary shall coordinate
3 the administration of this section with the program estab-
4 lished by section 130 of title 23, United States Code, in
5 order to avoid duplication of effort and to ensure the effec-
6 tiveness of both programs.

7 (j) FUNDING.—Not less than 10 percent of the
8 amounts appropriated for each fiscal year to carry out sec-
9 tion 26101A shall be obligated or expended to carry out
10 this section.

11 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 26104 is amended to read as follows:

13 **“§ 26104. Authorization of appropriations**

14 “(a) FISCAL YEARS 2004 THROUGH 2008.—There
15 are authorized to be appropriated to the Secretary for
16 each of fiscal years 2004 through 2008—

17 “(1) \$25,000,000 for carrying out section
18 26101;

19 “(2) \$1,500,000,000 for carrying out section
20 26101A, including amounts set aside under section
21 206(j) of the National Defense Rail Act to carry out
22 section 206 of that Act; and

23 “(3) \$25,000,000 for carrying out section
24 26102.

1 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
2 available under this section shall remain available until ex-
3 pended.

4 “(c) SPECIAL RULE.—Except as specifically provided
5 in section 26101, 26101A, or 26102, no amount author-
6 ized by subsection (a) may be used for obligation or ex-
7 penditure on the main line of the Northeast Corridor be-
8 tween Boston, Massachusetts, and Washington, D.C.,
9 while that segment is receiving Federal funds for capital
10 or operating expenses.”.

11 **TITLE III—NATIONAL RAILROAD**
12 **PASSENGER CORPORATION**

13 **SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPOR-**
14 **TATION SYSTEM DEFINED.**

15 (a) IN GENERAL.—Section 24102 is amended—

16 (1) by striking paragraph (2);

17 (2) by redesignating paragraphs (3), (4), and
18 (5) as paragraphs (2), (3), and (4), respectively; and

19 (3) by inserting after paragraph (4) as so re-
20 designated the following:

21 “(5) ‘national rail passenger transportation sys-
22 tem’ means—

23 “(A) the main line of the Northeast Cor-
24 ridor between Boston, Massachusetts, and
25 Washington, D.C.;

1 “(B) rail corridors that have been des-
2 gnated by the Secretary of Transportation as
3 high-speed corridors, but only after they have
4 been improved to permit operation of high-
5 speed service;

6 “(C) long-distance routes of more than
7 750 miles between endpoints operated by Am-
8 trak as of the date of enactment of the Na-
9 tional Defense Rail Act; and

10 “(D) short-distance corridors or routes op-
11 erated by Amtrak as of the date of enactment
12 of the National Defense Rail Act, unless discon-
13 tinued by Amtrak.”.

14 (b) AMTRAK ROUTES WITH STATE FUNDING.—

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

17 **“§ 24702. Transportation requested by States, au-**
18 **thorities, and other persons**

19 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
20 and a State, a regional or local authority, or another per-
21 son may enter into a contract for Amtrak to operate an
22 intercity rail service or route not included in the national
23 rail passenger transportation system upon such terms as
24 the parties thereto may agree.

1 “(b) DISCONTINUANCE.—Upon termination of a con-
 2 tract entered into under this section, or the cessation of
 3 financial support under such a contract, Amtrak may dis-
 4 continue such service or route, notwithstanding any other
 5 provision of law.”.

6 (2) CONFORMING AMENDMENT.—The chapter
 7 analysis for chapter 247 is amended by inserting
 8 after the item relating to section 24701 the fol-
 9 lowing:

“24702. Transportation requested by States, authorities, and other persons.”.

10 (c) AMTRAK TO CONTINUE TO PROVIDE NON HIGH-
 11 SPEED SERVICES.—Nothing in this Act is intended to pre-
 12 clude Amtrak from restoring, improving, or developing
 13 non-high-speed intercity rail passenger transportation.

14 **SEC. 302. AMTRAK AUTHORIZATIONS.**

15 (a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

16 (1) TITLE 49 AMENDMENTS.—Chapter 241 is
 17 amended—

18 (A) by striking the last sentence of section
 19 24101(d); and

20 (B) by striking the last sentence of section
 21 24104(a).

22 (2) AMTRAK REFORM AND ACCOUNTABILITY
 23 ACT AMENDMENTS.—Title II of the Amtrak Reform
 24 and Accountability Act of 1997 (49 U.S.C. 24101
 25 nt) is amended by striking sections 204 and 205.

1 (3) COMMON STOCK REDEMPTION DATE.—Sec-
2 tion 415 of the Amtrak Reform and Accountability
3 Act of 1997 (49 U.S.C. 24304 nt) is amended by
4 striking subsection (b).

5 (b) LEASE ARRANGEMENTS.—Amtrak may obtain
6 lease services from the Administrator of General Services,
7 and the Administrator may provide lease services to Am-
8 trak, under section 201(b) and 211(b) of the Federal
9 Property and Administrative Services Act of 1949 (40
10 U.S.C. 481(b) and 491(b)) for each of fiscal years 2004
11 through 2008.

12 (c) FINANCIAL POWERS.—Section 415(d) of the Am-
13 trak Reform and Accountability Act of 1997 is amended
14 by adding at the end the following:

15 “(3) The amendments made by this subsection shall
16 not affect the applicability of section 3729 of title 31,
17 United States Code, to claims made against Amtrak.”.

18 **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

19 (a) EXCESS RRTA.—There are authorized to be ap-
20 propriated to the Secretary of Transportation for the use
21 of Amtrak for each of fiscal years 2004 through 2008 an
22 amount equal to the amount Amtrak must pay under sec-
23 tion 3221 of the Internal Revenue Code of 1986 that is
24 more than the amount needed for benefits for individuals
25 who retire from Amtrak and for their beneficiaries.

1 (b) PRINCIPAL AND INTEREST PAYMENTS.—

2 (1) PRINCIPAL ON DEBT SERVICE.—There are
3 authorized to be appropriated to the Secretary of
4 Transportation for the use of Amtrak for retirement
5 of principal on loans for capital equipment, or cap-
6 ital leases, the following amounts:

7 (A) For fiscal year 2004, \$116,400,000.

8 (B) For fiscal year 2005, \$109,400,000.

9 (C) For fiscal year 2006, \$114,400,000.

10 (D) For fiscal year 2007, \$202,800,000.

11 (E) For fiscal year 2008, \$164,500,000.

12 (2) INTEREST ON DEBT.—There are authorized
13 to be appropriated to the Secretary of Transpor-
14 tation for the use of Amtrak for the payment of in-
15 terest on loans for capital equipment, or capital
16 leases, the following amounts:

17 (A) For fiscal year 2004, \$163,300,000.

18 (B) For fiscal year 2005, \$153,000,000.

19 (C) For fiscal year 2006, \$148,400,000.

20 (D) For fiscal year 2007, \$139,000,000.

21 (E) For fiscal year 2008, \$130,000,000.

22 (c) ENVIRONMENTAL COMPLIANCE.—There are au-
23 thorized to be appropriated to the Secretary of Transpor-
24 tation for the use of Amtrak for each of fiscal years 2004
25 through 2008 \$30,000,000, of which one-third shall be ob-

1 ligated or expended on the Northeast Corridor and two-
2 thirds shall be obligated or expended outside the North-
3 east Corridor, in order to comply with environmental laws
4 and regulations.

5 (d) ACCESSIBILITY FOR ELDERLY AND PERSONS
6 WITH DISABILITIES.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to the Secretary of Transportation for
9 the use of Amtrak, for each of fiscal years 2004
10 through 2008, \$43,000,000 to assist in improving
11 accessibility for the elderly and people with disabili-
12 ties in Amtrak facilities and stations, including an
13 initial assessment of the full set of accessibility
14 needs across the national rail passenger transpor-
15 tation system, of which—

16 (A) \$10,000,000 for each fiscal year shall
17 be obligated or expended on the Northeast Cor-
18 ridor; and

19 (B) \$33,000,000 for each fiscal year shall
20 be obligated or expended outside the Northeast
21 Corridor.

22 (2) STUDY OF COMPLIANCE REQUIREMENTS AT
23 EXISTING INTERCITY RAIL STATIONS.—Amtrak shall
24 evaluate the improvements necessary to make all ex-
25 isting stations it serves readily accessible to and usa-

1 ble by individuals with disabilities, as required by
2 section 242(e)(2) of the Americans with Disabilities
3 Act of 1990 (42 U.S.C. 12162(e)(2)). The evalua-
4 tion shall include the estimated cost of the improve-
5 ments necessary, the identification of the responsible
6 person (as defined in section 241(5) of that Act (42
7 U.S.C. 12161(5))), and the earliest practicable date
8 when such improvements can be made. Amtrak shall
9 submit the survey to the Senate Committee on Com-
10 merce, Science, and Transportation, the House of
11 Representatives Committee on Transportation and
12 Infrastructure, and the National Council on Dis-
13 ability by September 30, 2005, along with rec-
14 ommendations for funding the necessary improve-
15 ments.

16 (e) REINVESTMENT OF NET REVENUES FROM NON-
17 PASSENGER OPERATIONS.—Amtrak shall apply any net
18 revenues from nonpassenger operations to the railroad’s
19 working capital for use in satisfying systemwide current
20 liabilities. When Amtrak’s working capital has improved
21 to the point at which Amtrak’s liquid assets are sufficient
22 to satisfy projected short-term liabilities, Amtrak shall in-
23 vest any excess net nonpassenger revenues in high priority
24 capital projects.

1 **SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Secretary of Transportation for the use of
4 Amtrak for each of fiscal years 2004 through 2008 the
5 following amounts:

6 (1) \$370,000,000 for capital backlog on infra-
7 structure on the Northeast Corridor to bring infra-
8 structure up to state-of-good-repair, including re-
9 newal of the South End electric traction system, im-
10 provements on bridges and tunnels, and interlocking
11 and signal system renewal.

12 (2) \$60,000,000 for capital backlog on fleet to
13 bring existing fleet to a state-of-good-repair, includ-
14 ing equipment replacement and upgrades necessary
15 to meet current service commitments.

16 (3) \$40,000,000 for capital backlog on stations
17 and facilities, including improvements to the facility
18 and platform at the existing Penn Station, and
19 bringing maintenance-of-way facilities up to state-of-
20 good-repair.

21 (4) \$350,000,000 for ongoing capital infra-
22 structure—

23 (A) to replace assets on a life-cycle basis;

24 (B) to ensure that a state-of-good-repair is
25 maintained in order to meet safety and reli-
26 ability standards; and

1 (C) to meet current service commitments.

2 (5) \$40,000,000 for ongoing capital fleet invest-
3 ment to sustain regularly scheduled maintenance, in-
4 cluding a 120-day cycle of preventive maintenance,
5 and heavy overhauls on a 4-year schedule, with inte-
6 rior enhancements as needed.

7 (6) \$30,000,000 for ongoing capital improve-
8 ments to stations and facilities to provide for regular
9 upgrades to stations to meet current service needs,
10 and regular improvements to maintenance-of-equip-
11 ment and maintenance-of-way facilities.

12 (7) \$20,000,000 for ongoing technology up-
13 grades of reservation, distribution, financial, and op-
14 erations systems, including hardware, software, in-
15 frastructure, and communications.

16 (b) LIFE SAFETY NEEDS.—There are authorized to
17 be appropriated to the Secretary of Transportation for the
18 use of Amtrak for fiscal year 2004:

19 (1) \$677,000,000 for the 6 New York tunnels
20 built in 1910 to provide ventilation, electrical, and
21 fire safety technology upgrades, emergency commu-
22 nication and lighting systems, and emergency access
23 and egress for passengers.

24 (2) \$57,000,000 for the Baltimore & Potomac
25 tunnel built in 1872 to provide adequate drainage,

1 ventilation, communication, lighting, and passenger
2 egress upgrades.

3 (3) \$40,000,000 for the Washington, D.C.
4 Union Station tunnels built in 1904 under the Su-
5 preme Court and House and Senate Office Buildings
6 to improve ventilation, communication, lighting, and
7 passenger egress upgrades.

8 (c) INFRASTRUCTURE UPGRADES.—There are au-
9 thorized to be appropriated to the Secretary of Transpor-
10 tation for the use of Amtrak for fiscal year 2004
11 \$3,000,000 for the preliminary design of options for a new
12 tunnel on a different alignment to augment the capacity
13 of the existing Baltimore tunnels.

14 (d) CORRIDOR GROWTH INVESTMENT.—There are
15 authorized to be appropriated to the Secretary of Trans-
16 portation for the use of Amtrak for corridor growth invest-
17 ments in the Northeast Corridor the following amounts:

18 (1) For fiscal year 2004, \$200,000,000.

19 (2) For fiscal year 2005, \$300,000,000.

20 (3) For fiscal year 2006, \$400,000,000.

21 (4) For fiscal year 2007, \$500,000,000.

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

23 (e) FINANCIAL CONTRIBUTION FROM OTHER TUN-
24 NEL USERS.—The Secretary shall, taking into account the

1 need for the timely completion of all life safety portions
2 of the tunnel projects described in subsection (b)—

3 (1) consider the extent to which rail carriers
4 other than Amtrak use the tunnels;

5 (2) consider the feasibility of seeking a financial
6 contribution from those other rail carriers toward
7 the costs of the projects; and

8 (3) obtain financial contributions or commit-
9 ments from such other rail carriers if feasible.

10 (f) AVAILABILITY OF FUNDS.—Amounts appro-
11 priated pursuant to this section shall remain available
12 until expended.

13 (g) REINVESTMENT OF NORTHEAST CORRIDOR NET
14 OPERATING REVENUES.—Amtrak shall invest any net
15 revenue generated from core passenger operations in the
16 Northeast Corridor in capital needs of the corridor until
17 the backlog of capital improvements is completed under
18 Amtrak's 20-year capital plan.

19 **SEC. 305. LONG-DISTANCE TRAINS.**

20 (a) OPERATING COSTS.—There are authorized to be
21 appropriated to the Secretary of Transportation for the
22 use of Amtrak for each of fiscal years 2004 through 2008
23 \$360,000,000 for operating costs associated with long-dis-
24 tance trains.

1 (b) CAPITAL BACKLOG AND UPGRADES.—There are
2 authorized to be appropriated to the Secretary of Trans-
3 portation for the use of Amtrak for each of fiscal years
4 2004 through 2008 \$70,000,000 to reduce the capital
5 backlog and to bring its existing fleet to a state-of-good-
6 repair, including equipment replacement and upgrades
7 necessary to meet current long-distance train service com-
8 mitments.

9 (c) ONGOING CAPITAL INFRASTRUCTURE INVEST-
10 MENTS.—There are authorized to be appropriated to the
11 Secretary of Transportation for the use of Amtrak for
12 each of fiscal years 2004 through 2008 \$80,000,000 for
13 ongoing long-distance train capital infrastructure—

14 (1) to replace assets on a life-cycle basis;

15 (2) to ensure that a state-of-good-repair is
16 maintained in order to meet safety and reliability
17 standards;

18 (3) to meet current service commitments; and

19 (4) to provide funds for investment in partner
20 railroads to operate passenger service at currently
21 committed levels.

22 (d) CAPITAL FLEET NEEDS.—There are authorized
23 to be appropriated to the Secretary of Transportation for
24 the use of Amtrak for each of fiscal years 2004 through
25 2008 \$50,000,000 for ongoing capital fleet needs to sus-

1 tain regularly scheduled long-distance train maintenance,
2 including a 120-day cycle of preventive maintenance, and
3 heavy overhauls on a 4-year schedule, with interior en-
4 hancements as needed.

5 (e) CAPITAL STATIONS AND FACILITIES.—There are
6 authorized to be appropriated to the Secretary of Trans-
7 portation for the use of Amtrak for each of fiscal years
8 2004 through 2008 \$10,000,000 for ongoing capital sta-
9 tions and facilities needs to provide regular upgrades to
10 stations to meet current long-distance train service needs,
11 and regular improvements to maintenance-of-way equip-
12 ment and maintenance-of-way facilities.

13 (f) TECHNOLOGY NEEDS.—There are authorized to
14 be appropriated to the Secretary of Transportation for the
15 use of Amtrak for each of fiscal years 2004 through 2008
16 \$10,000,000 for ongoing long-distance train-related tech-
17 nology needs to upgrade reservation, distribution, finan-
18 cial, and operations systems, including hardware, soft-
19 ware, infrastructure, and communications.

20 (g) AVAILABILITY OF FUNDS.—Amounts appro-
21 priated pursuant to this section shall remain available
22 until expended.

1 **SEC. 306. SHORT-DISTANCE TRAINS; STATE-SUPPORTED**
2 **ROUTES.**

3 (a) IN GENERAL.—There are authorized to be appro-
4 priated to the Secretary of Transportation for the use of
5 Amtrak for each of fiscal years 2004 through 2008, for
6 obligation and expenditure on short-distance train routes
7 outside the Northeast Corridor—

8 (1) \$20,000,000 for capital backlog on infra-
9 structure to bring infrastructure up to a state-of-
10 good-repair, including improvements on bridges and
11 tunnels that are approaching the end of their useful
12 life and interlocking and signal system renewal;

13 (2) \$10,000,000 for capital backlog on its fleet
14 to bring Amtrak's existing fleet as of the date of en-
15 actment of this Act to a state-of-good-repair, includ-
16 ing equipment replacement and upgrades necessary
17 to meet current service commitments;

18 (3) \$170,000,000 for ongoing capital infra-
19 structure to replace assets on a life-cycle basis to en-
20 sure a state-of-good-repair is maintained in order to
21 meet safety and reliability standards needed to de-
22 liver current service commitments, including invest-
23 ment in partner railroads to operate passenger serv-
24 ice at currently committed levels;

25 (4) \$40,000,000 for ongoing capital fleet needs
26 to sustain regularly scheduled maintenance, includ-

1 **SEC. 308. ON-TIME PERFORMANCE.**

2 Section 24308 is amended by adding at the end the
3 following:

4 “(f) ON-TIME PERFORMANCE.—If the on-time per-
5 formance of any intercity passenger train averages less
6 than 80 percent for any consecutive 3-month period, Am-
7 trak may petition the Surface Transportation Board to in-
8 vestigate whether, and to what extent, delays are due to
9 causes that could reasonably be addressed by a rail carrier
10 over the tracks of which the intercity passenger train oper-
11 ates, or by a regional authority providing commuter serv-
12 ice, if any. In carrying out such an investigation, the Sur-
13 face Transportation Board shall obtain information from
14 all parties involved and make recommendations regarding
15 reasonable measures to improve the on-time performance
16 of the train.”.

17 **SEC. 309. AMTRAK BOARD OF DIRECTORS.**

18 (a) IN GENERAL.—Section 24302 is amended to read
19 as follows:

20 **“§ 24302. Board of directors**

21 “(a) COMPOSITION AND TERMS.—(1) The board of
22 directors of Amtrak is composed of the following 9 direc-
23 tors:

24 “(A) The President of Amtrak.

25 “(B) The Secretary of Transportation.

1 “(C) 7 individuals, each of whom must be a cit-
2 izen of the United States, appointed by the Presi-
3 dent of the United States, by and with the advice
4 and consent of the Senate, with an interest, experi-
5 ence, and qualifications in or directly related to rail
6 transportation, including representatives of freight
7 and passenger rail transportation, travel, and pas-
8 senger air transportation businesses, consumers of
9 passenger rail transportation, and State government.

10 “(2) An individual appointed under paragraph (1)(C)
11 of this subsection shall serve for 5 years or until the indi-
12 vidual’s successor is appointed and qualified. Not more
13 than 4 individuals appointed under paragraph (1)(C) may
14 be members of the same political party.

15 “(3) The board shall elect a chairman and a vice
16 chairman from among its membership. The vice chairman
17 shall serve as chairman in the absence of the chairman.

18 “(4) The Secretary may be represented at board
19 meetings by the Secretary’s designee.

20 “(b) PAY AND EXPENSES.—Each director not em-
21 ployed by the United States Government is entitled to
22 \$300 a day when performing board duties and powers.
23 Each director is entitled to reimbursement for necessary
24 travel, reasonable secretarial and professional staff sup-

1 port, and subsistence expenses incurred in attending board
2 meetings.

3 “(c) VACANCIES.—A vacancy on the board shall be
4 filled in the same way as the original selection, except that
5 an individual appointed by the President of the United
6 States under subsection (a)(1)(C) of this section to fill a
7 vacancy occurring before the end of the term for which
8 the predecessor of that individual was appointed shall be
9 appointed for the remainder of that term. A vacancy re-
10 quired to be filled by appointment under subsection
11 (a)(1)(C) shall be filled not later than 120 days after the
12 vacancy occurs.

13 “(d) BYLAWS.—The board may adopt and amend by-
14 laws governing the operation of Amtrak. The bylaws shall
15 be consistent with this part and the articles of incorpora-
16 tion.

17 “(e) CONFLICTS OF INTEREST.—Subparts D, E, and
18 F of part 2635 of title 5, Code of Federal Regulations,
19 shall apply to members of the board of directors during
20 their term of office in the same manner as if they were
21 employees of an executive agency (as defined in section
22 105 of title 5, United States Code).”.

23 (b) CONFORMING AMENDMENT TO APPLY SAME
24 STANDARD TO OFFICERS.—Section 24303(c) is amended
25 to read as follows:

1 “(c) CONFLICTS OF INTEREST.—Subparts D, E, and
2 F of part 2635 of title 5, Code of Federal Regulations,
3 shall apply to officers when employed by Amtrak in the
4 same manner as if they were employees of an executive
5 agency (as defined in section 105 of title 5, United States
6 Code).”.

7 (c) EFFECTIVE DATE FOR DIRECTORS’ PROVI-
8 SION.—The amendment made by subsection (a) shall take
9 effect on October 1, 2003. The members of the Amtrak
10 Reform Board may continue to serve until 3 directors ap-
11 pointed by the President under section 24302(a)(1)(C) of
12 title 49, United States Code, as amended by subsection
13 (a), have qualified for office.

14 **SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING**
15 **SYSTEM FOR AMTRAK OPERATIONS BY INDE-**
16 **PENDENT AUDITOR.**

17 (a) IN GENERAL.—The Inspector General of the De-
18 partment of Transportation shall employ an independent
19 financial consultant—

20 (1) to assess Amtrak’s financial accounting and
21 reporting system and practices;

22 (2) to design and assist Amtrak in imple-
23 menting a modern financial accounting and report-
24 ing system, on the basis of the assessment, that will

1 produce accurate and timely financial information in
2 sufficient detail—

3 (A) to enable Amtrak to assign revenues
4 and expenses appropriately to each of its lines
5 of business and to each major activity within
6 each line of business, including train operations,
7 equipment maintenance, ticketing, and reserva-
8 tions;

9 (B) to aggregate expenses and revenues re-
10 lated to infrastructure and distinguish them
11 from expenses and revenues related to rail oper-
12 ations; and

13 (C) to provide ticketing and reservation in-
14 formation on a real-time basis.

15 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
16 spector General of the Department of Transportation shall
17 review the accounting system designed and implemented
18 under subsection (a) to ensure that it accomplishes the
19 purposes for which it is intended. The Inspector General
20 shall report his findings and conclusions, together with
21 any recommendations, to the Senate Committee on Com-
22 merce, Science, and Transportation and the House of Rep-
23 resentatives Committee on Transportation and Infrastruc-
24 ture.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of
3 Transportation \$2,500,000 for fiscal year 2004 to carry
4 out subsection (a), such sums to remain available until
5 expended.

6 **SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.**

7 (a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—
8 The Amtrak board of directors shall submit an annual
9 budget for Amtrak, and a 5-year financial plan for the
10 fiscal year to which that budget relates and the subsequent
11 4 years, prepared in accordance with this section, to the
12 Secretary of Transportation and the Inspector General of
13 the Department of Transportation no later than—

14 (1) the first day of each fiscal year beginning
15 after the date of enactment of this Act; or

16 (2) the date that is 60 days after the date of
17 enactment of the appropriation Act appropriating
18 funds for Amtrak for the fiscal year, if later.

19 (b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The
20 5-year financial plan for Amtrak shall include, at a min-
21 imum—

22 (1) all projected revenues and expenditures for
23 Amtrak, including governmental funding sources;

24 (2) projected ridership levels for all Amtrak
25 passenger operations;

1 (3) revenue and expenditure forecasts for non-
2 passenger operations;

3 (4) capital funding requirements and expendi-
4 tures necessary to maintain passenger service which
5 will accommodate predicted ridership levels and pre-
6 dicted sources of capital funding;

7 (5) operational funding needs, if any, to main-
8 tain current and projected levels of passenger serv-
9 ice, including State-supported routes and predicted
10 funding sources;

11 (6) projected capital and operating require-
12 ments, ridership, and revenue for any new passenger
13 service operations or service expansions;

14 (7) an assessment of the continuing financial
15 stability of Amtrak, as indicated by factors such as
16 the ability of the Federal Government to adequately
17 meet capital and operating requirements, Amtrak's
18 access to long-term and short-term capital markets,
19 Amtrak's ability to efficiently manage its workforce,
20 and Amtrak's ability to effectively provide passenger
21 train service;

22 (8) lump sum expenditures of \$10,000,000 or
23 more and sources of funding;

1 (9) estimates of long-term and short-term debt
2 and associated principal and interest payments (both
3 current and anticipated);

4 (10) annual cash flow forecasts; and

5 (11) a statement describing methods of esti-
6 mation and significant assumptions.

7 (c) STANDARDS TO PROMOTE FINANCIAL STA-
8 BILITY.—In meeting the requirements of subsection (b)
9 with respect to a 5-year financial plan, Amtrak shall—

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

14 (2) use the categories specified in the financial
15 accounting and reporting system developed under
16 section 310 when preparing its 5-year financial plan.

17 (d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

18 (1) IN GENERAL.—The Inspector General of
19 the Department of Transportation shall assess the
20 5-year financial plans prepared by Amtrak under
21 this section to determine whether they meet the re-
22 quirements of subsection (b), and may suggest revi-
23 sions to any components thereof that do not meet
24 those requirements.

1 (2) ASSESSMENT TO BE FURNISHED TO THE
2 CONGRESS.—The Inspector General shall furnish to
3 the House of Representatives Committee on Approp-
4 riations, the Senate Committee on Appropriations,
5 the House of Representatives Committee on Trans-
6 portation and Infrastructure, and the Senate Com-
7 mittee on Commerce, Science, and Transportation—

8 (A) an assessment of the annual budget
9 within 90 days after receiving it from Amtrak;
10 and

11 (B) an assessment of the remaining 4
12 years of the 5-year financial plan within 180
13 days after receiving it from Amtrak.

14 **SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.**

15 Within 90 days after the date of enactment of this
16 Act, Amtrak, in consultation with the Comptroller Gen-
17 eral, shall develop a revised methodology to be used in pre-
18 paring the annual operations report required by section
19 24315(a) of title 49, United States Code, beginning with
20 the report on operations for fiscal year 2004. The new
21 report methodology shall specifically exclude noncore prof-
22 its in calculating the performance of Amtrak's trains.

1 **SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPOR-**
2 **TIONATELY.**

3 If for any fiscal year the sum of the amounts appro-
4 priated to the Secretary of Transportation for the use of
5 Amtrak is less than the sum of the amounts authorized
6 by this title for that fiscal year, then Amtrak shall—

7 (1) first obligate amounts appropriated pursu-
8 ant to the authorization in section 303(a); and

9 (2) then allocate its obligation and expenditure
10 of the remainder of the amounts appropriated for
11 that fiscal year pursuant to this title (except
12 amounts authorized by section 304(b), (c), and (d))
13 among the segments of the system in the same pro-
14 portion as the authorizations were allocated among
15 those segments by this title.

16 **SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA**
17 **FOR AMTRAK ROUTE AND SERVICE PLAN-**
18 **NING DECISIONS.**

19 (a) **INSPECTOR GENERAL TO HIRE CONSULTANT.—**
20 The Inspector General of the Department of Transpor-
21 tation shall—

22 (1) execute a contract to obtain the services of
23 an independent auditor or consultant to define and
24 list past Amtrak criteria for Amtrak service changes,
25 and to establish objective criteria for Amtrak service
26 changes, including the establishment of new routes,

1 the elimination of existing routes, and the contrac-
2 tion or expansion of existing services;

3 (2) review the criteria developed under the con-
4 tract; and

5 (3) if the Inspector General approves the cri-
6 teria, transmit them to the Amtrak board of direc-
7 tors.

8 (b) INCORPORATION OF CRITERIA BY AMTRAK.—If
9 the criteria are approved under subsection (a)(3), the Am-
10 trak board of directors shall incorporate the criteria in—

11 (1) its route and service planning and decision-
12 making process; and

13 (2) its capital plans and budgets developed in
14 compliance with section 311 of this Act.

15 (c) NOTIFICATION OF CONGRESS WHERE NOT COM-
16 PLYING WITH CRITERIA.—The Amtrak board of directors
17 shall—

18 (1) notify the Senate Committee on Commerce,
19 Science, and Transportation and the House of Rep-
20 resentatives Committee on Transportation and In-
21 frastructure not less than 30 days before the imple-
22 mentation date of any decision to establish a new
23 route, terminate an existing route, or effect any
24 other major change in service that is inconsistent

1 with the criteria incorporated under subsection (b);
2 and

3 (2) explain its decision not to follow the cri-
4 teria.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be made available to the Inspector Gen-
7 eral, out of any amounts appropriated to Amtrak pursuant
8 to the authority of this Act and not otherwise obligated
9 or expended, such sums as may be necessary to carry out
10 this section.

11 **SEC. 315. NORTHEAST CORRIDOR DEFINED.**

12 For purposes of this title, the term “Northeast Cor-
13 ridor” means the main line of the Northeast Corridor be-
14 tween Boston, Massachusetts, and Washington, D.C.

15 **TITLE IV—MISCELLANEOUS**

16 **SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY**
17 **FINANCING.**

18 (a) DEFINITIONS.—Section 102(7) of the Railroad
19 Revitalization and Regulatory Reform Act of 1976 (45
20 U.S.C. 802(7)) is amended to read as follows:

21 “(7) ‘railroad’ has the meaning given that term
22 in section 20102 of title 49, United States Code;
23 and”.

1 (b) GENERAL AUTHORITY.—Section 502 of the Rail-
2 road Revitalization and Regulatory Reform Act of 1976
3 (45 U.S.C. 822) is amended—

4 (1) by striking “Secretary may provide direct
5 loans and loan guarantees to State and local govern-
6 ments,” in subsection (a) and inserting “Secretary
7 shall provide direct loans and loan guarantees to
8 State and local governments, interstate compacts en-
9 tered into under section 410 of the Amtrak Reform
10 and Accountability Act of 1997 (49 U.S.C 24101
11 nt),”;

12 (2) by striking “or” in subsection (b)(1)(B);

13 (3) by redesignating subparagraph (C) of sub-
14 section (b)(1) as subparagraph (D); and

15 (4) by inserting after subparagraph (B) of sub-
16 section (b)(1) the following:

17 “(C) to acquire, improve, or rehabilitate
18 rail safety and security equipment and facilities;
19 or”.

20 (c) EXTENT OF AUTHORITY.—Section 502(d) of the
21 Railroad Revitalization and Regulatory Reform Act of
22 1976 (45 U.S.C. 822(d)) is amended—

23 (1) by striking “\$3,500,000,000” and inserting
24 “\$35,000,000,000”;

1 (2) by striking “\$1,000,000,000” and inserting
2 “\$7,000,000,000”; and

3 (3) by adding at the end the following new sen-
4 tence: “The Secretary shall not establish any limit
5 on the proportion of the unused amount authorized
6 under this subsection that may be used for 1 loan
7 or loan guarantee.”.

8 (d) COHORTS OF LOANS.—Section 502(f) of the Rail-
9 road Revitalization and Regulatory Reform Act of 1976
10 (45 U.S.C. 822(f)) is amended—

11 (1) in paragraph (2)—

12 (A) by striking “and” at the end of sub-
13 paragraph (D);

14 (B) by redesignating subparagraph (E) as
15 subparagraph (F); and

16 (C) by adding after subparagraph (D) the
17 following new subparagraph:

18 “(E) the size and characteristics of the co-
19 hort of which the loan or loan guarantee is a
20 member; and”;

21 (2) by adding at the end of paragraph (4) the
22 following: “A cohort may include loans and loan
23 guarantees. The Secretary shall not establish any
24 limit on the proportion of a cohort that may be used
25 for 1 loan or loan guarantee.”.

1 (e) CONDITIONS OF ASSISTANCE.—Section 502 of the
2 Railroad Revitalization and Regulatory Reform Act of
3 1976 (45 U.S.C. 822) is amended—

4 (1) by striking “offered;” in subsection
5 (f)(2)(A) and inserting “offered, if any;”;

6 (2) by inserting “(1)” before “The Secretary”
7 in subsection (h) and redesignating paragraphs (1),
8 (2), and (3) of that subsection as subparagraphs
9 (A), (B), and (C); and

10 (3) by adding at the end of subsection (h) the
11 following:

12 “(2) The Secretary shall not require an applicant for
13 a direct loan or loan guarantee under this section to pro-
14 vide collateral.

15 “(3) The Secretary shall not require that an appli-
16 cant for a direct loan or loan guarantee under this section
17 have previously sought the financial assistance requested
18 from another source.

19 “(4) The Secretary shall require recipients of direct
20 loans or loan guarantees under this section to apply the
21 standards of section 22301(b) and (c) of title 49, United
22 States Code, to their projects.”.

23 (f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
24 Section 502 of the Railroad Revitalization and Regulatory

1 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
2 ing at the end the following:

3 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
4 Not later than 180 days after receiving a complete appli-
5 cation for a direct loan or loan guarantee under this sec-
6 tion, the Secretary shall approve or disapprove the applica-
7 tion.”.

8 (g) FEES AND CHARGES.—Section 503 of the Rail-
9 road Revitalization and Regulatory Reform Act of 1976
10 (45 U.S.C. 823) is amended—

11 (1) by adding at the end of subsection (k) the
12 following: “Funds received by the Secretary under
13 the preceding sentence shall be credited to the ap-
14 propriation from which the expenses of making such
15 appraisals, determinations, and findings were in-
16 curred.”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(l) FEES AND CHARGES.—Except as provided in
20 this title, the Secretary may not assess any fees, including
21 user fees, or charges in connection with a direct loan or
22 loan guarantee provided under section 502.”.

23 (h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
24 later than 30 days after the date of the enactment of this
25 Act, the Secretary of Transportation shall publish in the

1 Federal Register and post on the Department of Trans-
2 portation website the substantive criteria and standards
3 used by the Secretary to determine whether to approve
4 or disapprove applications submitted under section 502 of
5 the Railroad Revitalization and Regulatory Reform Act of
6 1976 (45 U.S.C. 822).

7 (i) OPERATORS DEEMED RAIL CARRIERS; LOANS
8 AND LOAN GUARANTEES FOR NONRAILROAD ENTITIES.—
9 Section 502 of the Railroad Revitalization and Regulatory
10 Reform Act of 1976 (45 U.S.C. 822), as amended by sub-
11 section (f), is further amended by adding at the end the
12 following:

13 “(j) OPERATORS DEEMED RAIL CARRIERS.—A per-
14 son that conducts rail operations funded or otherwise re-
15 ceiving assistance under this section is deemed to be a rail
16 carrier for purposes of part A of subtitle IV of title 49,
17 United States Code, when so operating or performing such
18 services.

19 “(k) LOAN AND LOAN GUARANTEES FOR NONRAIL-
20 ROAD ENTITIES.—Notwithstanding any other provision of
21 law, entities other than rail companies shall be eligible for
22 loans and loan guarantees under this section.”.

1 **SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Chapter 249 is amended by add-
4 ing at the end the following:

5 **“§ 24910. Passenger rail cooperative research pro-**
6 **gram**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 shall establish and carry out a rail passenger cooperative
9 research program. The program shall—

10 “(1) address, among other matters, intercity
11 rail passenger services, including existing rail pas-
12 senger technologies and speeds, incrementally en-
13 hanced rail systems and infrastructure, and new
14 high-speed wheel-on-rail systems;

15 “(2) give consideration to research on com-
16 muter rail, regional rail, freight rail, and other
17 modes of rail transportation that may affect rail
18 passenger transportation due to the interconnected-
19 ness of the rail passenger network with other rail
20 transportation services; and

21 “(3) give consideration to regional concerns re-
22 garding rail passenger transportation, including
23 meeting research needs common to designated high-
24 speed corridors, long-distance rail services, and re-
25 gional intercity rail corridors, projects, and entities.

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

3 “(1) to identify the unique aspects and at-
4 tributes of rail passenger service;

5 “(2) to develop more accurate models for evalu-
6 ating the indirect effects of rail passenger service,
7 including the effects on highway and airport and air-
8 way congestion, environmental quality, and energy
9 consumption;

10 “(3) to develop a better understanding of modal
11 choice as it affects rail passenger transportation, in-
12 cluding development of better models to predict rid-
13 ership;

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

16 “(5) to meet additional priorities as determined
17 by the advisory board established under subsection
18 (c), including any recommendations made by the Na-
19 tional Academy of Sciences;

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

22 “(7) to address rail capacity constraints that
23 affect passenger rail service through a wide variety
24 of options, ranging from operating improvements to
25 dedicated new infrastructure, taking into account

1 the impact of such options on freight and commuter
2 rail operations; and

3 “(8) to improve maintenance, operations, cus-
4 tomer service, or other aspects of existing intercity
5 rail passenger service existing in 2003.

6 “(c) ADVISORY BOARD.—

7 “(1) ESTABLISHMENT.—In consultation with
8 the heads of appropriate Federal departments and
9 agencies, the Secretary shall establish an advisory
10 board to recommend research, technology, and tech-
11 nology transfer activities related to rail passenger
12 transportation.

13 “(2) MEMBERSHIP.—The advisory board shall
14 include—

15 “(A) representatives of State transpor-
16 tation agencies;

17 “(B) transportation and environmental
18 economists, scientists, and engineers; and

19 “(C) representatives of Amtrak, the Alaska
20 Railroad, transit operating agencies, intercity
21 rail passenger agencies, railway labor organiza-
22 tions, and environmental organizations.

23 “(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-
24 retary may make grants to, and enter into cooperative
25 agreements with, the National Academy of Sciences to

1 carry out such activities relating to the research, tech-
2 nology, and technology transfer activities described in sub-
3 section (b) as the Secretary deems appropriate.”.

4 (b) CONFORMING AMENDMENT.—The chapter anal-
5 ysis for chapter 249 is amended by adding at the end the
6 following:

“24910. Passenger rail cooperative research program.”.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Secretary of
9 Transportation \$5,000,000 for each of fiscal years 2004
10 through 2008, to carry out section 24910 of title 49,
11 United States Code.

12 **SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 RE-**
13 **FLECTING ICC TERMINATION ACT.**

14 (a) SECTION 333.—Section 333 is amended—

15 (1) by striking “Interstate Commerce Commis-
16 sion” each place it appears and inserting “Surface
17 Transportation Board”; and

18 (2) by striking “Commission” in subsection (e)
19 and inserting “Board”.

20 (b) SECTION 24307.—Section 24307(b)(3) is amend-
21 ed by striking “Interstate Commerce Commission” and in-
22 serting “Surface Transportation Board”.

23 (c) SECTION 24308.—Section 24308 is amended—

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

4 (2) by striking “Commission” each place it ap-
5 pears in subsections (a), (b), and (e) and inserting
6 “Board”.

7 (d) SECTION 24311.—Section 24311 is amended—

8 (1) by striking “Interstate Commerce Commis-
9 sion” in subsection (c)(1) and inserting “Surface
10 Transportation Board”; and

11 (2) by striking “Commission” each place it ap-
12 pears in subsection (c) and inserting “Board”.

13 (e) SECTION 24902.—Section 24902 is amended—

14 (1) by striking “Interstate Commerce Commis-
15 sion” in subsections (g)(2) and (g)(3) and inserting
16 “Surface Transportation Board”; and

17 (2) by striking “Commission” each place it ap-
18 pears in subsections (g)(2) and (g)(3) and inserting
19 “Board”.

20 (f) SECTION 24904.—Section 24904 is amended—

21 (1) by striking “Interstate Commerce Commis-
22 sion” in subsection (c)(2) and inserting “Surface
23 Transportation Board”; and

24 (2) by striking “Commission” each place it ap-
25 pears in subsection (c) and inserting “Board”.

1 **SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAIL-**
2 **ROAD RIGHT-OF-WAY PROPERTY.**

3 Section 610(b) of the Alaska Railroad Transfer Act
4 of 1982 (45 U.S.C. 1209(b)) is amended—

5 (1) by inserting “(1)” after “(b)”;

6 (2) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(2)(A) The State-owned railroad may convey all
11 right, title, and interest of the State in any land within
12 the right-of-way to a third party in exchange for other
13 land that, in substitution for the land conveyed, is to be
14 utilized as part of the right-of-way if the continuity of the
15 right-of-way corridor for transportation, communications,
16 and transmission purposes is provided by such use of the
17 substituted land.

18 “(B) The provisions of this section that require rever-
19 sion shall apply to the substituted land, as of the effective
20 date of the exchange of that land in a transaction author-
21 ized by subparagraph (A), as fully as if the substituted
22 land had been rail properties of the Alaska Railroad as
23 of January 13, 1983.

1 “(C) Upon the conveyance of land in a transaction
2 authorized by subparagraph (A), any reversionary interest
3 in the land under this section shall terminate.”.

○