

PROVIDING FOR THE CONSIDERATION OF H.R. 2247, THE
AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

OCTOBER 21, 1997.—Referred to the House Calendar and ordered to be printed

Ms. PRYCE, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 270]

The Committee on Rules, having had under consideration House Resolution 270, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2247, the “Amtrak Reform and Privatization Act of 1997” under a modified closed rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute now printed in the bill, which shall be considered as read. The rule also provides for the consideration of the amendment printed in this report and an amendment to be offered by Representative Oberstar (MN).

The rule provides that the amendments printed in this report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule further provides that the amendment to be offered by Representative Oberstar (MN) may be offered only after the disposition of the amendments printed in this report, shall be considered as read, shall be debated for 30 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

COMMITTEE VOTES

Pursuant to clause 2(1)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

RULES COMMITTEE ROLLCALL NO. 69

Date: October 21, 1997.

Measure: H.R. 2247, the Amtrak Reform and Privatization Act of 1997.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Wise amendment that would strike title IV, which contains the caps on non-economic and punitive damages and the provisions allowing Amtrak to indemnify other railroads.

Results: Defeated 2-8.

Vote by Member: Dreier—Nay; Goss—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 70

Date: October 21, 1997.

Measure: H.R. 2247, the Amtrak Reform and Privatization Act of 1997.

Motion By: Mr. Moakely.

Summary of Motion: Make in order the Moran (VA) amendment that would allow Amtrak or a regional transportation authority to sue other rail carriers for costs incurred as a result of non-emergency delays.

Results: Defeated 2-8.

Vote by Member: Dreier—Nay; Goss—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Solomon—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE FOR
H.R. 2247, THE AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

LaTourette/Traficant—20 minutes: Reinstates the prohibition on the issues of contracting out and labor protection as they exist in current law, as well as previous negotiated agreements between Amtrak and labor. The amendment provides that once the two parties reach agreement on those two issues, the agreement will be binding, but if no agreement is reached, those issues will be presented to a Presidential Emergency Board.

Quinn—20 minutes: Substitute amendment to the LaTourette amendment. Clarifies that the labor reform provisions in H.R. 2247 only apply to Amtrak which would hold freight and transit workers harmless.

Oberstar—30 minutes: Amendment in the nature of a substitute.

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LATOURETTE OF OHIO, OR REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 2, strike lines 4 through 6, and insert in lieu thereof the following:

(a) AGREEMENT BY PARTIES.—Section 24312(b)(1) of title 49, United States Code, is amended by inserting “, unless the parties otherwise agree” after “in the bargaining unit”.

(b) USE OF OTHER RAIL CARRIERS.—Section 24312 of title 49, United States Code, is further amended by adding at the end the following new subsection:

(c) USE OF OTHER RAIL CARRIERS.—(1) When Amtrak contracts Page 3, line 1, strike “(b) EFFECTIVE DATE.—Subsection (a)” and insert in lieu thereof “(c) EFFECTIVE DATE.—Subsection (b)”.

Page 12, line 11, through page 15, line 16, amend section 301 to read as follows:

SEC. 301. RESOLUTION OF LABOR PROTECTION AND CONTRACTING OUT ISSUES.

Amtrak and a labor organization representing Amtrak employees may present proposals, to a Presidential Emergency Board appointed under section 10 of the Railway Labor Act (45 U.S.C. 160) with respect to a dispute to which Amtrak and the labor organization are parties, concerning all issues relating to—

(1) the provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(2) the limitations imposed under section 24312(b) of title 49, United States Code.

If no contract has been agreed to after the expiration of the 30-day period following the report of the Presidential Emergency Board, then, consistent with the Railway Labor Act, the employees may strike and Amtrak may lock out the employees or impose terms of employment containing changes with respect to issues described in paragraph (1) or (2), notwithstanding sections 24706(c) and 24312(b) of title 49, United States Code. This section shall not apply to any dispute concerning which a Presidential Emergency Board has reported before the date of the enactment of this Act. This section shall not apply to any issue that has been resolved by an agreement between Amtrak and a labor organization. This section shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.

Page 15, line 18, through page 16, line 13, amend subsection (a) to read as follows:

(a) EMPLOYEE PROTECTIVE ARRANGEMENTS.—

(1) AMENDMENT.—Section 24706(c)(3) of title 49, United States Code, is amended by inserting “, unless the parties otherwise agree” after “of this title”.

(2) APPLICATION OF OTHER LAW.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees if an agreement described in the amendment made by paragraph (1) of this subsection is in effect.

2. SUBSTITUTE AMENDMENT OFFERED BY REPRESENTATIVE QUINN
OF NEW YORK TO THE AMENDMENT OFFERED BY REPRESENTATIVE
LATOURETTE OF OHIO, DEBATABLE FOR 20 MINUTES

Page 15, after line 16, insert the following new paragraph:

(7) Nothing in this Act shall affect the level of protection provided to employees of freight railroads or of transit systems.