

104TH CONGRESS
1ST SESSION

H. R. 841

To provide an equitable process for strengthening the passenger rail service network of Amtrak through the timely closure and realignment of routes with low economic performance.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1995

Mr. WOLF (for himself, Mr. BARTON of Texas, Mr. ARMEY, Mr. DELAY, Mr. PACKARD, Mr. FOX, Mr. ENGLISH, and Mr. HORN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure and, in addition, to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide an equitable process for strengthening the passenger rail service network of Amtrak through the timely closure and realignment of routes with low economic performance.

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 Route Closure
5 and Realignment Act of 1995”.

1 **SEC. 2. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an inde-
3 pendent commission to be known as the “Total Realign-
4 ment of Amtrak Commission” (in this Act referred to as
5 the “Commission”).

6 (b) APPOINTMENT.—The Commission shall be com-
7 posed of eleven members as follows:

8 (1) Three individuals appointed by the Presi-
9 dent, including—

10 (A) the Secretary of Transportation;

11 (B) one representative of a rail labor
12 union; and

13 (C) one representative of a rail manage-
14 ment.

15 (2) Four individuals who collectively have ex-
16 pertise in rail finance, economic analysis, legal is-
17 sues, and other relevant areas, to be appointed by
18 the Majority Leader of the Senate, in consultation
19 with the Minority Leader.

20 (3) Four individuals who collectively have ex-
21 pertise in rail finance, economic analysis, legal is-
22 sues, and other relevant areas, to be appointed by
23 the Speaker of the House of Representatives, in con-
24 sultation with the Minority Leader.

25 Appointments under this subsection shall be made within
26 15 days after the date of the enactment of this Act. Indi-

1 individuals appointed under paragraphs (2) and (3) shall not
2 be employees of the Department of Transportation or rep-
3 resentatives of a rail labor union or rail management.

4 (c) CHAIRMAN.—Within 10 days after the 15-day pe-
5 riod described in subsection (b), or the appointment of the
6 last member of the Commission under such subsection,
7 whichever occurs first, a majority of the members of the
8 Commission may elect a chairman from among its mem-
9 bership. If a chairman is not elected within such 10-day
10 period, the President shall select a chairman for the Com-
11 mission from among its membership.

12 (d) MEETINGS.—(1) Each meeting of the Commis-
13 sion shall be open to the public.

14 (2) All the proceedings, information, and delibera-
15 tions of the Commission shall be open or available, upon
16 request, to the Committee on Commerce, Science, and
17 Transportation and the Committee on Appropriations of
18 the Senate, and to the Committee on Transportation and
19 Infrastructure and the Committee on Appropriations of
20 the House of Representatives.

21 (e) PAY AND TRAVEL EXPENSES.—(1)(A) Each
22 member, other than the Chairman, shall be paid at a rate
23 equal to the daily equivalent of the minimum annual rate
24 of basic pay payable for level IV of the Executive Schedule
25 under section 5315 of title 5, United States Code, for each

1 day (including travel time) during which the member is
2 engaged in the actual performance of duties vested in the
3 Commission.

4 (B) The Chairman shall be paid for each day referred
5 to in subparagraph (A) at a rate equal to the daily equiva-
6 lent of the minimum annual rate of basic pay payable for
7 level III of the Executive Schedule under section 5314 of
8 title 5, United States Code.

9 (C) Notwithstanding subparagraphs (A) and (B), of-
10 ficers and employees of the Federal Government shall not
11 be paid under this paragraph for service on the Commis-
12 sion.

13 (2) Members shall receive travel expenses, including
14 per diem in lieu of subsistence, in accordance with sections
15 5702 and 5703 of title 5, United States Code.

16 (f) DIRECTOR OF STAFF.—The Commission shall ap-
17 point a Director, who shall be paid at the rate of basic
18 pay payable for level IV of the Executive Schedule under
19 section 5315 of title 5, United States Code.

20 (g) STAFF.—(1) Subject to paragraph (2), the Direc-
21 tor, with the approval of the Commission, may appoint
22 and fix the pay of not more than 5 additional employees.

23 (2) The Director may make such appointments with-
24 out regard to the provisions of title 5, United States Code,
25 governing appointments in the competitive service, and

1 any personnel so appointed may be paid without regard
2 to the provisions of chapter 51 and subchapter III of chap-
3 ter 53 of that title relating to classification and General
4 Schedule pay rates, except that an individual so appointed
5 may not receive pay in excess of the annual rate of basic
6 pay payable for level V of the Executive Schedule under
7 section 5316 of title 5, United States Code.

8 (h) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out this Act, hold hear-
10 ings, sit and act at times and places, take testimony, and
11 receive evidence as the Commission considers appropriate.
12 The Commission may administer oaths or affirmations to
13 witnesses appearing before it.

14 (i) INFORMATION.—The Commission may secure di-
15 rectly from any department or agency of the United States
16 information necessary to enable it to carry out this Act.
17 Upon request of the Chairman of the Commission, the
18 head of that department or agency shall furnish that infor-
19 mation to the Commission to the extent otherwise per-
20 mitted by law.

21 (j) MAILS.—The Commission may use the United
22 States mails in the same manner and under the same con-
23 ditions as other departments and agencies of the United
24 States.

1 (k) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
2 ministrator of General Services shall provide to the Com-
3 mission, on a reimbursable basis, such administrative sup-
4 port services as the Commission may request.

5 (l) EXPERTS OR CONSULTANTS.—The Commission
6 may procure by contract, to the extent funds are available,
7 the temporary or intermittent services of experts or con-
8 sultants pursuant to section 3109 of title 5, United States
9 Code.

10 (m) TERMINATION.—The Commission shall termi-
11 nate 30 days after transmitting a report under section
12 3(e).

13 **SEC. 3. DUTIES.**

14 (a) ECONOMIC PERFORMANCE RANKINGS.—The
15 Commission shall examine economic data for Amtrak's
16 system and develop system-wide performance rankings of
17 all routes based on long-term economic loss.

18 (b) IDENTIFICATION OF CANDIDATE ROUTES FOR
19 CLOSURE OR REALIGNMENT.—(1) The Commission shall
20 identify routes which are candidates for closure or realign-
21 ment, based on the performance rankings developed under
22 subsection (a) and on the following principles:

23 (A) The system which remains after closure and
24 realignment of routes shall not be required to be a
25 national, interconnected system.

1 (B) Federal operating subsidies for Amtrak
2 shall be assumed to decline over the 5-year period
3 beginning on the date of the enactment of a joint
4 resolution under section 4, possibly to the point of
5 zero Federal operating subsidy.

6 (C) The rail labor protection costs of Amtrak
7 shall be calculated both—

8 (i) at the level required under rail labor
9 laws as in effect when the Commission is identi-
10 fying routes under this subsection; and

11 (ii) at the level which would be required if
12 amendments to rail labor laws were enacted
13 that—

14 (I) limit to a maximum of 6 months
15 any wage continuation or severance benefit
16 for an employee of Amtrak whose employ-
17 ment is terminated as a result of a dis-
18 continuance of intercity rail passenger
19 service; and

20 (II) permit Amtrak to require any em-
21 ployee whose position is eliminated as a re-
22 sult of such a discontinuance to transfer to
23 another part of Amtrak's system.

24 (2) The Commission shall specifically examine rider-
25 ship forecasts and other assumptions supporting contin-

1 ued service on the Northeast Corridor, particularly with
2 respect to the continuation of the electrification of the
3 Northeast Corridor between New Haven, Connecticut, and
4 Boston, Massachusetts.

5 (c) CONSIDERATION OF QUALITY OF LIFE FAC-
6 TORS.—(1) Each route identified under subsection (b) as
7 a candidate for closure or realignment shall be reviewed
8 to determine whether there are important social, environ-
9 mental, or other quality of life factors which should be
10 considered in determining whether to close or realign the
11 route. The commission shall also consider the effect on
12 airport congestion and the availability of alternative modes
13 of transportation, especially in rural areas, before rec-
14 ommending any closure or realignment.

15 (2) The Commission shall hold public hearings to ob-
16 tain testimony from State and local officials, and other
17 interested parties, with respect to factors described in
18 paragraph (1).

19 (d) OPTIONAL USES FOR ABANDONED RAIL
20 LINES.—The Commission shall also examine optional uses
21 for abandoned rail lines.

22 (e) RECOMMENDATIONS.—The Commission shall,
23 within 120 days after the election or selection of its chair-
24 man under section 2(c), transmit to the Congress and the
25 President a report on its activities under this Act, includ-

1 ing recommendations developed under this section for the
2 closure and realignment of routes in Amtrak's passenger
3 rail system.

4 **SEC. 4. CONGRESSIONAL CONSIDERATION OF COMMISSION**
5 **RECOMMENDATIONS.**

6 (a) TERMS OF THE RESOLUTION.—For purposes of
7 this section, the term “joint resolution” means only a joint
8 resolution which is introduced within the 10-day period
9 beginning on the date on which the Commission transmits
10 its recommendations to the Congress under section 3(e),
11 and—

12 (1) which does not have a preamble;

13 (2) the matter after the resolving clause of
14 which is as follows: “That Congress approves the
15 recommendations of the Total Realignment of Am-
16 trak Commission as submitted on _____”, the
17 blank space being filled in with the appropriate date;
18 and

19 (3) the title of which is as follows: “Joint reso-
20 lution approving the recommendations of the Total
21 Realignment of Amtrak Commission.”.

22 (b) REFERRAL.—A resolution described in subsection
23 (a) that is introduced in the House of Representatives
24 shall be referred to the Committee on Transportation and
25 Infrastructure of the House of Representatives. A resolu-

1 tion described in subsection (a) introduced in the Senate
2 shall be referred to the Committee on Commerce, Science,
3 and Transportation of the Senate.

4 (c) DISCHARGE.—If the committee to which a resolu-
5 tion described in subsection (a) is referred has not re-
6 ported such resolution (or an identical resolution) by the
7 end of the 20-day period beginning on the date on which
8 the Commission transmits the report to the Congress
9 under section 3(e), such committee shall be, at the end
10 of such period, discharged from further consideration of
11 such resolution, and such resolution shall be placed on the
12 appropriate calendar of the House involved.

13 (d) CONSIDERATION.—(1) On or after the third day
14 after the date on which the committee to which such a
15 resolution is referred has reported, or has been discharged
16 (under subsection (c)) from further consideration of, such
17 a resolution, it is in order (even though a previous motion
18 to the same effect has been disagreed to) for any Member
19 of the respective House to move to proceed to the consider-
20 ation of the resolution. A Member may make the motion
21 only on the day after the calendar day on which the Mem-
22 ber announces to the House concerned the Member's in-
23 tention to make the motion. All points of order against
24 the resolution (and against consideration of the resolution)
25 are waived. The motion is highly privileged in the House

1 of Representatives and is privileged in the Senate and is
2 not debatable. The motion is not subject to amendment,
3 or to a motion to postpone, or to a motion to proceed to
4 the consideration of other business. A motion to reconsider
5 the vote by which the motion is agreed to or disagreed
6 to shall not be in order. If a motion to proceed to the
7 consideration of the resolution is agreed to, the respective
8 House shall immediately proceed to consideration of the
9 joint resolution without intervening motion, order, or other
10 business, and the resolution shall remain the unfinished
11 business of the respective House until disposed of.

12 (2) Debate on the resolution, and on all debatable
13 motions and appeals in connection therewith, shall be lim-
14 ited to not more than 2 hours, which shall be divided
15 equally between those favoring and those opposing the res-
16 olution. An amendment to the resolution is not in order.
17 A motion further to limit debate is in order and not debat-
18 able. A motion to postpone, or a motion to proceed to the
19 consideration of other business, or a motion to recommit
20 the resolution is not in order. A motion to reconsider the
21 vote by which the resolution is agreed to or disagreed to
22 is not in order.

23 (3) Immediately following the conclusion of the de-
24 bate on a resolution described in subsection (a) and a sin-
25 gle quorum call at the conclusion of the debate if re-

1 requested in accordance with the rules of the appropriate
2 House, the vote on final passage of the resolution shall
3 occur.

4 (4) Appeals from the decisions of the Chair relating
5 to the application of the rules of the Senate or the House
6 of Representatives, as the case may be, to the procedure
7 relating to a resolution described in subsection (a) shall
8 be decided without debate.

9 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
10 fore the passage by one House of a resolution of that
11 House described in subsection (a), that House receives
12 from the other House a resolution described in subsection
13 (a), then the following procedures shall apply:

14 (A) The resolution of the other House shall not
15 be referred to a committee and may not be consid-
16 ered in the House receiving it except in the case of
17 final passage as provided in subparagraph (B)(ii).

18 (B) With respect to a resolution described in
19 subsection (a) of the House receiving the resolu-
20 tion—

21 (i) the procedure in that House shall be
22 the same as if no resolution had been received
23 from the other House; but

24 (ii) the vote on final passage shall be on
25 the resolution of the other House.

1 (2) Upon disposition of the resolution received from
2 the other House, it shall no longer be in order to consider
3 the resolution that originated in the receiving House.

4 (f) RULES OF THE SENATE AND HOUSE.—This sec-
5 tion is enacted by Congress—

6 (1) as an exercise of the rulemaking power of
7 the Senate and House of Representatives, respec-
8 tively, and as such it is deemed a part of the rules
9 of each House, respectively, but applicable only with
10 respect to the procedure to be followed in that
11 House in the case of a resolution described in sub-
12 section (a), and it supersedes other rules only to the
13 extent that it is inconsistent with such rules; and

14 (2) with full recognition of the constitutional
15 right of either House to change the rules (so far as
16 relating to the procedure of that House) at any time,
17 in the same manner, and to the same extent as in
18 the case of any other rule of that House.

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated not to exceed
21 \$2,500,000 for carrying out this Act.

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