

Union Calendar No. 144

105TH CONGRESS
1ST Session

H. R. 2247

[Report No. 105-251]

A BILL

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

SEPTEMBER 17, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 144

105TH CONGRESS
1ST SESSION

H. R. 2247

[Report No. 105-251]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1997

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

SEPTEMBER 17, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 24, 1997]

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Amtrak Reform and Pri-*
5 *vatization Act of 1997”.*

1 **TITLE I—PROCUREMENT**
2 **REFORMS**

3 **SEC. 101. CONTRACTING OUT.**

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

6 “(b) *CONTRACTING OUT.*—(1) When Amtrak contracts
7 out work normally performed by an employee in a bargain-
8 ing unit covered by a contract between a labor organization
9 and Amtrak, Amtrak is encouraged to use other rail car-
10 riers for performing such work.

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

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

16 “(i) such contract shall not relieve Amtrak of
17 any obligation in connection with the use of facilities
18 of another entity for the operation covered by such
19 contract; and

20 “(ii) such operation shall be subject to any oper-
21 ating or safety restrictions and conditions required by
22 the agreement providing for the use of such facilities.

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

1 (b) *EFFECTIVE DATE.*—*Subsection (a) shall take effect*
2 *254 days after the date of the enactment of this Act.*

3 **SEC. 102. CONTRACTING PRACTICES.**

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

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

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

1 *preliminary injunction is sought, require the filing of a*
2 *bond or equivalent security in accordance with the Federal*
3 *Rules of Civil Procedure.*

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

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

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

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

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

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

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

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

7 “(3) Congress encourages Amtrak and motor common
8 carriers of passengers to use the authority conferred in sec-
9 tions 11322 and 14302 of this title for the purpose of pro-
10 viding improved service to the public and economy of oper-
11 ation.”.

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

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

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

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

1 *how Amtrak’s specifications can be met by the capabilities*
2 *of the manufacturers.*

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

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

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

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

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

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

22 (1) *by striking subsection (b);*

23 (2) *by striking “NOTICE OF DISCONTINUANCE.—*

24 (1) *Except as provided in subsection (b) of this sec-*

1 *tion, at” and inserting in lieu thereof “TIME OF NO-*
2 *TICE.—At”;*

3 *(3) by striking “90 days” and inserting in lieu*
4 *thereof “180 days”;*

5 *(4) by striking “a discontinuance under section*
6 *24704 or 24707(a) or (b) of this title” and inserting*
7 *in lieu thereof “discontinuing service over a route”;*

8 *(5) by inserting “or assume” after “agree to*
9 *share”;*

10 *(6) by striking “(2) Notice” and inserting in lieu*
11 *thereof “(b) PLACE OF NOTICE.—Notice”; and*

12 *(7) by striking “section 24704 or 24707(a) or (b)*
13 *of this title” and inserting in lieu thereof “subsection*
14 *(a)”.*

15 *(d) COST AND PERFORMANCE REVIEW.—Section*
16 *24707 of title 49, United States Code, and the item relating*
17 *thereto in the table of sections of chapter 247 of such title,*
18 *are repealed.*

19 *(e) SPECIAL COMMUTER TRANSPORTATION.—Section*
20 *24708 of title 49, United States Code, and the item relating*
21 *thereto in the table of sections of chapter 247 of such title,*
22 *are repealed.*

23 *(f) CONFORMING AMENDMENT.—Section 24312(a)(1)*
24 *of title 49, United States Code, is amended by striking “,*
25 *24701(a),”.*

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

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

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

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

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

15 Section 24703 of title 49, United States Code, and the
16 item relating thereto in the table of sections of chapter 247
17 of such title, are repealed.

18 **SEC. 204. ADDITIONAL QUALIFYING ROUTES.**

19 Section 24705 of title 49, United States Code, and the
20 item relating thereto in the table of sections of chapter 247
21 of such title, are repealed.

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

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

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

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

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

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

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

17 (b) *CONFORMING AMENDMENTS.*—(1) Section 24301(f)
18 of title 49, United States Code, is amended to read as fol-
19 lows:

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

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

3 (2) *Subsection (a) of this section shall not affect any*
 4 *trackage rights held by Amtrak or the Consolidated Rail*
 5 *Corporation.*

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

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

10 (1) *by striking subsection (b);*

11 (2) *by redesignating subsection (c) as subsection*
 12 *(b);*

13 (3) *in subsection (b), as so redesignated by para-*
 14 *graph (2) of this subsection—*

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

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

22 (C) *by inserting “to an agreement described*
 23 *in paragraph (1)” after “If the parties” in para-*
 24 *graph (2); and*

1 (4) by inserting after subsection (b), as so reded-
2 ignated by paragraph (2) of this subsection, the fol-
3 lowing new subsection:

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

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

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

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

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

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

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

3 (2) *by adding at the end the following new sub-*
4 *section:*

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

9 **TITLE III—COLLECTIVE**
10 **BARGAINING REFORMS**

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

12 (a) *NOTICES.—(1) Notwithstanding any arrangement*
13 *in effect before the date of the enactment of this Act, notices*
14 *under section 6 of the Railway Labor Act (45 U.S.C. 156)*
15 *with respect to all issues relating to—*

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

20 (B) *contracting out by Amtrak of work normally*
21 *performed by an employee in a bargaining unit cov-*
22 *ered by a contract between Amtrak and a labor orga-*
23 *nization representing Amtrak employees,*

24 *applicable to employees of Amtrak shall be deemed served*
25 *and effective on the date which is 90 days after the date*

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

7 (2) *In the case of provisions of a collective bargaining*
8 *agreement with respect to which a moratorium is in effect*
9 *90 days after the date of the enactment of this Act, para-*
10 *graph (1) shall take effect on the expiration of such morato-*
11 *rium. For purposes of the application of paragraph (1) to*
12 *such provisions, notices shall be deemed served and effective*
13 *on the date of such expiration.*

14 (b) *NATIONAL MEDIATION BOARD EFFORTS.—Except*
15 *as provided in subsection (c), the National Mediation Board*
16 *shall complete all efforts, with respect to each dispute de-*
17 *scribed in subsection (a), under section 5 of the Railway*
18 *Labor Act (45 U.S.C. 155) not later than 180 days after*
19 *the date of the enactment of this Act.*

20 (c) *RAILWAY LABOR ACT ARBITRATION.—The parties*
21 *to any dispute described in subsection (a) may agree to sub-*
22 *mit the dispute to arbitration under section 7 of the Rail-*
23 *way Labor Act (45 U.S.C. 157), and any award resulting*
24 *therefrom shall be retroactive to the date which is 180 days*
25 *after the date of the enactment of this Act.*

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

3 (A) *is unresolved as of the date which is 180*
4 *days after the date of the enactment of this Act; and*
5 (B) *is not submitted to arbitration as described*
6 *in subsection (c),*

7 *Amtrak and the labor organization parties to such dispute*
8 *shall, within 187 days after the date of the enactment of*
9 *this Act, each select an individual from the entire roster*
10 *of arbitrators maintained by the National Mediation*
11 *Board. Within 194 days after the date of the enactment of*
12 *this Act, the individuals selected under the preceding sen-*
13 *tence shall jointly select an individual from such roster to*
14 *make recommendations with respect to such dispute under*
15 *this subsection.*

16 (2) *No individual shall be selected under paragraph*
17 *(1) who is pecuniarily or otherwise interested in any orga-*
18 *nization of employees or any railroad. Nothing in this sub-*
19 *section shall preclude an individual from being selected for*
20 *more than 1 dispute described in subsection (a).*

21 (3) *The compensation of individuals selected under*
22 *paragraph (1) shall be fixed by the National Mediation*
23 *Board. The second paragraph of section 10 of the Railway*
24 *Labor Act shall apply to the expenses of such individuals*

1 *as if such individuals were members of a board created*
2 *under such section 10.*

3 (4) *If the parties to a dispute described in subsection*
4 *(a) fail to reach agreement within 224 days after the date*
5 *of the enactment of this Act, the individual selected under*
6 *paragraph (1) with respect to such dispute shall make rec-*
7 *ommendations to the parties proposing contract terms to*
8 *resolve the dispute.*

9 (5) *If the parties to a dispute described in subsection*
10 *(a) fail to reach agreement, no change shall be made by*
11 *either of the parties in the conditions out of which the dis-*
12 *pute arose for 30 days after recommendations are made*
13 *under paragraph (4).*

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

17 **SEC. 302. SERVICE DISCONTINUANCE.**

18 (a) *REPEAL.*—(1) *Section 24706(c) of title 49, United*
19 *States Code, is repealed.*

20 (2) *Any provision of a contract, entered into before the*
21 *date of the enactment of this Act between Amtrak and a*
22 *labor organization representing Amtrak employees, relating*
23 *to—*

24 (A) *employee protective arrangements and sever-*
25 *ance benefits, including all provisions of Appendix C—*

1 2 to the National Railroad Passenger Corporation
2 Agreement, signed July 5, 1973; or

3 (B) contracting out by Amtrak of work normally
4 performed by an employee in a bargaining unit cov-
5 ered by a contract between Amtrak and a labor orga-
6 nization representing Amtrak employees,

7 applicable to employees of Amtrak is extinguished. This
8 paragraph shall not apply to provisions defining the scope
9 or classification of work performed by an Amtrak employee.

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

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

14 (b) *INTERCITY PASSENGER SERVICE EMPLOYEES.*—
15 Section 1165(a) of the Northeast Rail Service Act of 1981
16 (45 U.S.C. 1113(a)) is amended—

17 (1) by inserting “(1)” before “After January 1,
18 1983”;

19 (2) by striking “Amtrak, Amtrak Commuter,
20 and Conrail” and inserting in lieu thereof “Amtrak
21 and Conrail”;

22 (3) by striking “Such agreement shall ensure”
23 and all that follows through “submitted to binding ar-
24 bitration.”; and

1 (4) by adding at the end the following new para-
2 graph:

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

1 **TITLE IV—USE OF RAILROAD**
2 **FACILITIES**

3 **SEC. 401. LIABILITY LIMITATION.**

4 (a) *AMENDMENT.*—Chapter 281 of title 49, United
5 States Code, is amended by adding at the end the following
6 new section:

7 **“§28103. Limitations on rail passenger transpor-**
8 **tation liability**

9 “(a) *LIMITATIONS.*—(1) *Notwithstanding any other*
10 *statutory or common law or public policy, or the nature*
11 *of the conduct giving rise to damages or liability, in a claim*
12 *for personal injury, death, or damage to property arising*
13 *from or in connection with the provision of rail passenger*
14 *transportation, or from or in connection with any rail pas-*
15 *senger transportation operations over or rail passenger*
16 *transportation use of right-of-way or facilities owned,*
17 *leased, or maintained by any high-speed railroad authority*
18 *or operator, any commuter authority or operator, any rail*
19 *carrier, or any State—*

20 “(A) *punitive damages shall not exceed the great-*
21 *er of—*

22 “(i) *\$250,000; or*

23 “(ii) *three times the amount of economic*
24 *loss; and*

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

5 “(2) If, in any case wherein death was caused, the law
6 of the place where the act or omission complained of oc-
7 curred provides, or has been construed to provide, for dam-
8 ages only punitive in nature, the claimant may recover in
9 a claim limited by this subsection for economic and non-
10 economic damages and punitive damages, subject to para-
11 graph (1)(A) and (B).

12 “(3) For purposes of this subsection—

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

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

17 “(i) against Amtrak, any high-speed rail-
18 road authority or operator, any commuter au-
19 thority or operator, any rail carrier, or any
20 State; or

21 “(ii) against an officer, employee, affiliate
22 engaged in railroad operations, or agent, of Am-
23 trak, any high-speed railroad authority or opera-
24 tor, any commuter authority or operator, any
25 rail carrier, or any State;

1 “(C) the term ‘economic loss’ means any pecu-
2 niary loss resulting from harm, including the loss of
3 earnings, medical expense loss, replacement services
4 loss, loss due to death, burial costs, loss of business or
5 employment opportunities, and any other form of pe-
6 cuniary loss allowed under applicable State law or
7 under paragraph (2) of this subsection;

8 “(D) the term ‘noneconomic damages’ means
9 damages other than punitive damages or actual dam-
10 ages; and

11 “(E) the term ‘punitive damages’ means dam-
12 ages awarded against any person or entity to punish
13 or deter such person or entity, or others, from engag-
14 ing in similar behavior in the future.

15 “(b) INDEMNIFICATION OBLIGATIONS.—Obligations of
16 any party, however arising, including obligations arising
17 under leases or contracts or pursuant to orders of an ad-
18 ministrative agency, to indemnify against damages or li-
19 ability for personal injury, death, or damage to property
20 described in subsection (a), incurred after the date of the
21 enactment of the Amtrak Reform and Privatization Act of
22 1997, shall be enforceable, notwithstanding any other statu-
23 tory or common law or public policy, or the nature of the
24 conduct giving rise to the damages or liability.

1 “(c) *EFFECT ON OTHER LAWS.*—*This section shall not*
 2 *affect the damages that may be recovered under the Act of*
 3 *April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as*
 4 *the ‘Federal Employers’ Liability Act’)* or under any work-
 5 *ers compensation Act.*

6 “(d) *DEFINITION.*—*For purposes of this section, the*
 7 *term ‘rail carrier’ includes a person providing excursion,*
 8 *scenic, or museum train service, and an owner or operator*
 9 *of a privately owned rail passenger car.”.*

10 (b) *CONFORMING AMENDMENT.*—*The table of sections*
 11 *of chapter 281 of title 49, United States Code, is amended*
 12 *by adding at the end the following new item:*

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

13 **TITLE V—FINANCIAL REFORMS**

14 **SEC. 501. FINANCIAL POWERS.**

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

17 **“§24304. Employee stock ownership plans**

18 *“In issuing stock pursuant to applicable corporate*
 19 *law, Amtrak is encouraged to include employee stock owner-*
 20 *ship plans.”.*

21 (2) *The item relating to section 24304 of title 49, Unit-*
 22 *ed States Code, in the table of sections of chapter 243 of*
 23 *such title is amended to read as follows:*

“24304. *Employee stock ownership plans.*”.

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

5 (2) *Section 28103 of title 49, United States Code, shall*
6 *not apply to any rail carrier holding common stock of Am-*
7 *trak after the expiration of 2 months after the date of the*
8 *enactment of this Act.*

9 (3) *Amtrak shall redeem any such common stock held*
10 *after the expiration of the 2-month period described in*
11 *paragraph (1), using procedures set forth in section*
12 *24311(a) and (b).*

13 (c) *ELIMINATION OF LIQUIDATION PREFERENCE AND*
14 *VOTING RIGHTS OF PREFERRED STOCK.*—(1)(A) *Preferred*
15 *stock of Amtrak held by the Secretary of Transportation*
16 *shall confer no liquidation preference.*

17 (B) *Subparagraph (A) shall take effect 90 days after*
18 *the date of the enactment of this Act.*

19 (2)(A) *Preferred stock of Amtrak held by the Secretary*
20 *of Transportation shall confer no voting rights.*

21 (B) *Subparagraph (A) shall take effect 60 days after*
22 *the date of the enactment of this Act.*

23 (d) *NOTE AND MORTGAGE.*—(1) *Section 24907 of title*
24 *49, United States Code, and the item relating thereto in*
25 *the table of sections of chapter 249 of such title, are repealed.*

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

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

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

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

16 *Section 24104(d) of title 49, United States Code, is*
17 *amended to read as follows:*

18 “(d) *ADMINISTRATION OF APPROPRIATIONS.—Federal*
19 *operating assistance funds appropriated to Amtrak shall be*
20 *provided to Amtrak upon appropriation when requested by*
21 *Amtrak.”.*

22 **SEC. 503. BOARD OF DIRECTORS.**

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

1 **“§ 24302. Board of Directors**

2 “(a) *EMERGENCY REFORM BOARD.*—

3 “(1) *ESTABLISHMENT AND DUTIES.*—*The Emer-*
4 *gency Reform Board described in paragraph (2) shall*
5 *assume the responsibilities of the Board of Directors*
6 *of Amtrak 60 days after the date of the enactment of*
7 *the Amtrak Reform and Privatization Act of 1997, or*
8 *as soon thereafter as such Board is sufficiently con-*
9 *stituted to function as a board of directors under ap-*
10 *plicable corporate law. Such Board shall adopt new*
11 *bylaws, including procedures for the selection of mem-*
12 *bers of the Board of Directors under subsection (c)*
13 *which provide for employee representation.*

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

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

21 “(i) *the Speaker of the House of Representa-*
22 *tives concerning the appointment of two mem-*
23 *bers;*

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

1 “(iii) the majority leader of the Senate con-
2 cerning the appointment of two members; and

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

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

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

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

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

23 “(c) BOARD OF DIRECTORS.—Four years after the es-
24 tablishment of the Emergency Reform Board under sub-
25 section (a), a Board of Directors shall be selected pursuant

1 to bylaws adopted by the Emergency Reform Board, and
2 the Emergency Reform Board shall be dissolved.

3 “(d) *AUTHORITY TO RECOMMEND PLAN.*—The Emer-
4 gency Reform Board shall have the authority to recommend
5 to the Congress a plan to implement the recommendations
6 of the 1997 Working Group on Inter-City Rail regarding
7 the transfer of Amtrak’s infrastructure assets and respon-
8 sibilities to a new separately governed corporation.”.

9 (b) *EFFECT ON AUTHORIZATIONS.*—If the Emergency
10 Reform Board has not assumed the responsibilities of the
11 Board of Directors of Amtrak before March 15, 1998, all
12 provisions authorizing appropriations under the amend-
13 ments made by section 701 of this Act for a fiscal year after
14 fiscal year 1998 shall cease to be effective.

15 **SEC. 504. REPORTS AND AUDITS.**

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

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

19 (2) by redesignating subsections (b), (d), (e), (f),
20 (g), and (h) as subsections (a), (b), (c), (d), (e), and
21 (f), respectively; and

22 (3) in subsection (d), as so redesignated by para-
23 graph (2) of this section, by striking “(d) or (e)” and
24 inserting in lieu thereof “(b) or (c)”.

1 **SEC. 505. OFFICERS' PAY.**

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

7 **SEC. 506. EXEMPTION FROM TAXES.**

8 *Section 24301(l)(1) of title 49, United States Code, is*
9 *amended—*

10 *(1) by inserting ", and any passenger or other*
11 *customer of Amtrak or such subsidiary," after "sub-*
12 *subsidiary of Amtrak";*

13 *(2) by striking "or fee imposed" and all that fol-*
14 *lows through "levied on it" and inserting in lieu*
15 *thereof ", fee, head charge, or other charge, imposed*
16 *or levied by a State, political subdivision, or local*
17 *taxing authority, directly or indirectly on Amtrak or*
18 *on persons traveling in intercity rail passenger trans-*
19 *portation or on mail or express transportation pro-*
20 *vided by Amtrak or a rail carrier subsidiary of Am-*
21 *trak, or on the carriage of such persons, mail, or ex-*
22 *press, or on the sale of any such transportation, or on*
23 *the gross receipts derived therefrom"; and*

24 *(3) by amending the last sentence thereof to read*
25 *as follows: "In the case of a tax or fee that Amtrak*
26 *was required to pay as of September 10, 1982, Am-*

1 *trak is not exempt from such tax or fee if it was as-*
2 *essed before April 1, 1997.”.*

3 ***TITLE VI—MISCELLANEOUS***

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

5 *(a) APPOINTMENT.—Within 30 days after the date of*
6 *the enactment of this Act, a Temporary Rail Advisory*
7 *Council (in this section referred to as the “Council”) shall*
8 *be appointed under this section.*

9 *(b) DUTIES.—The Council shall—*

10 *(1) evaluate Amtrak’s performance;*

11 *(2) prepare an analysis and critique of Amtrak’s*
12 *business plan;*

13 *(3) suggest strategies for further cost contain-*
14 *ment and productivity improvements, including*
15 *strategies with the potential for further reduction in*
16 *Federal operating subsidies and the eventual partial*
17 *or complete privatization of Amtrak’s operations; and*

18 *(4) recommend appropriate methods for adoption*
19 *of uniform cost and accounting procedures throughout*
20 *the Amtrak system, based on generally accepted ac-*
21 *counting principles.*

22 *(c) MEMBERSHIP.—(1) The Council shall consist of 7*
23 *members appointed as follows:*

24 *(A) Two individuals to be appointed by the*
25 *Speaker of the House of Representatives.*

1 (B) *One individual to be appointed by the mi-*
2 *nority leader of the House of Representatives.*

3 (C) *Two individuals to be appointed by the ma-*
4 *jority leader of the Senate.*

5 (D) *One individual to be appointed by the mi-*
6 *nority leader of the Senate.*

7 (E) *One individual to be appointed by the Presi-*
8 *dent.*

9 (2) *Appointments under paragraph (1) shall be made*
10 *from among individuals who—*

11 (A) *have technical qualification, professional*
12 *standing, and demonstrated expertise in the fields of*
13 *transportation and corporate management; and*

14 (B) *are not employees of Amtrak, employees of*
15 *the United States, or representatives of rail labor or*
16 *rail management.*

17 (3) *Within 40 days after the date of the enactment of*
18 *this Act, a majority of the members of the Council shall*
19 *elect a chairman from among such members.*

20 (d) *TRAVEL EXPENSES.—Each member of the Council*
21 *shall serve without pay, but shall receive travel expenses,*
22 *including per diem in lieu of subsistence, in accordance*
23 *with sections 5702 and 5703 of title 5, United States Code.*

24 (e) *ADMINISTRATIVE SUPPORT.—The Secretary of*
25 *Transportation shall provide to the Council such adminis-*

1 *trative support as the Council requires to carry out this*
2 *section.*

3 (f) *ACCESS TO INFORMATION.*—*Amtrak shall make*
4 *available to the Council all information the Council re-*
5 *quires to carry out this section. The Council shall establish*
6 *appropriate procedures to ensure against the public disclo-*
7 *sure of any information obtained under this subsection*
8 *which is a trade secret or commercial or financial informa-*
9 *tion that is privileged or confidential.*

10 (g) *REPORTS.*—(1) *Within 120 days after the date of*
11 *the enactment of this Act, the Council shall transmit to the*
12 *Amtrak board of directors and the Congress an interim re-*
13 *port on its findings and recommendations.*

14 (2) *Within 270 days after the date of the enactment*
15 *of this Act, the Council shall transmit to the Amtrak board*
16 *of directors and the Congress a final report on its findings*
17 *and recommendations.*

18 (h) *STATUS.*—*The Council shall not be subject to the*
19 *Federal Advisory Committee Act (5 U.S.C. App.) or section*
20 *552 of title 5, United States Code (commonly referred to*
21 *as the Freedom of Information Act).*

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

23 *Section 24301(b) of title 49, United States Code, is*
24 *amended—*

25 (1) *by striking the first sentence;*

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

4 (3) by inserting “For purposes of this subsection,
5 the term ‘State’ includes the District of Columbia.
6 Notwithstanding section 3 of the District of Columbia
7 Business Corporation Act, Amtrak, if its principal
8 place of business is located in the District of Colum-
9 bia, shall be considered organized under the provi-
10 sions of such Act.” after “in a civil action.”.

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

12 Section 24301 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a)(1), by striking “rail carrier
15 under section 10102” and inserting in lieu thereof
16 “railroad carrier under section 20102(2) and chapters
17 261 and 281”; and

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

20 “(c) *APPLICATION OF SUBTITLE IV.*—Subtitle IV of
21 this title shall not apply to Amtrak, except for sections
22 11301, 11322(a), 11502, and 11706. Notwithstanding the
23 preceding sentence, Amtrak shall continue to be considered
24 an employer under the Railroad Retirement Act of 1974,

1 *the Railroad Unemployment Insurance Act, and the Rail-*
2 *road Retirement Tax Act.”.*

3 **SEC. 604. WASTE DISPOSAL.**

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

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

8 *Section 24310 of title 49, United States Code, and the*
9 *item relating thereto in the table of sections of chapter 243*
10 *of such title, are repealed.*

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

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

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

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

19 **SEC. 608. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**
20 **MAIN LINE.**

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

1 (b) CONFORMING AMENDMENT.—Section
2 24902(a)(1)(A) of title 49, United States Code, is amended
3 by striking “and 40 minutes”.

4 **SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.**

5 Section 24902(f) of title 49, United States Code, is
6 amended—

7 (1) by inserting “(1)” before “Improvements
8 under”; and

9 (2) by adding at the end the following new para-
10 graph:

11 “(2) Amtrak shall design and construct the electrifica-
12 tion system between Boston, Massachusetts, and New
13 Haven, Connecticut, to accommodate the installation of a
14 third mainline track between Davisville and Central Falls,
15 Rhode Island, to be used for double-stack freight service to
16 and from the Port of Davisville. Amtrak shall also make
17 clearance improvements on the existing main line tracks
18 to permit double stack service on this line, if funds to defray
19 the costs of clearance improvements beyond Amtrak’s own
20 requirements for electrified passenger service are provided
21 by public or private entities other than Amtrak. Wherever
22 practicable, Amtrak shall use portal structures and realign
23 existing tracks on undergrade and overgrade bridges to
24 minimize the width of the right-of-way required to add the
25 third track. Amtrak shall take such other steps as may be

1 *required to coordinate and facilitate design and construc-*
2 *tion work. The Secretary of Transportation may provide*
3 *appropriate support to Amtrak for carrying out this para-*
4 *graph.”.*

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

6 (a) *APPLICATION TO AMTRAK.*—*Amtrak, and with re-*
7 *spect only to the facilities it jointly uses with Amtrak, a*
8 *commuter authority, shall not be subject to any requirement*
9 *under section 242(a)(1) and (3) and (e)(2) of the Americans*
10 *With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and*
11 *(3) and (e)(2)) until January 1, 1998. For stations jointly*
12 *used by Amtrak and a commuter authority, this subsection*
13 *shall not affect the allocation of costs between Amtrak and*
14 *the commuter authority relating to accessibility improve-*
15 *ments.*

16 (b) *CONFORMING AMENDMENT.*—*Section 24307 of title*
17 *49, United States Code, is amended—*

18 (1) *by striking subsection (b); and*

19 (2) *by redesignating subsection (c) as subsection*

20 (b).

21 **SEC. 611. DEFINITIONS.**

22 Section 24102 of title 49, United States Code, is
23 amended—

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

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

3 (3) by inserting after paragraph (6), as so redesi-
4 gnated by paragraph (2) of this section, the following
5 new paragraph:

6 “(7) ‘rail passenger transportation’ means the
7 interstate, intrastate, or international transportation
8 of passengers by rail;”;

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

13 (5) by redesignating paragraphs (9) and (10) as
14 paragraphs (8) and (9), respectively.

15 **SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.**

16 Section 1163 of the Northeast Rail Service Act of 1981
17 (45 U.S.C. 1111) is repealed.

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

19 (a) *AMENDMENT.*—Section 8G(a)(2) of the Inspector
20 General Act of 1978 (5 U.S.C. App.) is amended by striking
21 “Amtrak,”.

22 (b) *AMTRAK NOT FEDERAL ENTITY.*—Amtrak shall
23 not be considered a Federal entity for purposes of the In-
24 specter General Act of 1978.

1 **SEC. 614. CONSOLIDATED RAIL CORPORATION.**

2 *Section 4023 of the Conrail Privatization Act (45*
3 *U.S.C. 1323), and the item relating thereto in the table of*
4 *contents of such Act, are repealed.*

5 **SEC. 615. INTERSTATE RAIL COMPACTS.**

6 *(a) CONSENT TO COMPACTS.—Congress grants consent*
7 *to States with an interest in a specific form, route, or cor-*
8 *ridor of intercity passenger rail service (including high*
9 *speed rail service) to enter into interstate compacts to pro-*
10 *mote the provision of the service, including—*

11 *(1) retaining an existing service or commencing*
12 *a new service;*

13 *(2) assembling rights-of-way; and*

14 *(3) performing capital improvements, includ-*
15 *ing—*

16 *(A) the construction and rehabilitation of*
17 *maintenance facilities and intermodal passenger*
18 *facilities;*

19 *(B) the purchase of locomotives; and*

20 *(C) operational improvements, including*
21 *communications, signals, and other systems.*

22 *(b) FINANCING.—An interstate compact established by*
23 *States under subsection (a) may provide that, in order to*
24 *carry out the compact, the States may—*

25 *(1) accept contributions from a unit of State or*
26 *local government or a person;*

1 (2) *use any Federal or State funds made avail-*
2 *able for intercity passenger rail service (except funds*
3 *made available for the National Railroad Passenger*
4 *Corporation);*

5 (3) *on such terms and conditions as the States*
6 *consider advisable—*

7 (A) *borrow money on a short-term basis*
8 *and issue notes for the borrowing; and*

9 (B) *issue bonds; and*

10 (4) *obtain financing by other means permitted*
11 *under Federal or State law.*

12 **SEC. 616. CONFORMING AMENDMENTS.**

13 *Part C of subtitle V of title 49, United States Code,*
14 *is amended—*

15 (1) *in section 24307(b)(3), as so redesignated by*
16 *section 610(b)(2) of this Act, by striking “Interstate*
17 *Commerce Commission” and inserting in lieu thereof*
18 *“Surface Transportation Board”;*

19 (2) *in section 24308—*

20 (A) *by striking “Interstate Commerce Com-*
21 *mission” in subsection (a)(2)(A) and inserting*
22 *in lieu thereof “Surface Transportation Board”;*
23 *and*

24 (B) *by striking “Commission” each place it*
25 *appears and inserting in lieu thereof “Board”;*

1 (3) in section 24311(c)—

2 (A) by striking “Interstate Commerce Com-
3 mission” in paragraph (1) and inserting in lieu
4 thereof “Surface Transportation Board”;

5 (B) by striking “Commission” each place it
6 appears and inserting in lieu thereof “Board”;
7 and

8 (C) by striking “Commission’s” in para-
9 graph (2) and inserting in lieu thereof
10 “Board’s”;

11 (4) in section 24902(j)—

12 (A) by striking “Interstate Commerce Com-
13 mission” each place it appears and inserting in
14 lieu thereof “Surface Transportation Board”;
15 and

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

19 (5) in section 24904(b), as so redesignated by
20 section 207(a)(2) of this Act—

21 (A) by striking “Interstate Commerce Com-
22 mission” in paragraph (2) and inserting in lieu
23 thereof “Surface Transportation Board”; and

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

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

2 *The Secretary of Transportation shall transfer to the*
3 *State of Florida, pursuant to a grant or cooperative agree-*
4 *ment, title to aluminum reaction rail, power rail base,*
5 *and other related materials (originally used in connection*
6 *with the Prototype Air Cushion Vehicle Program between*
7 *1973 and 1976) located at the Transportation Technology*
8 *Center near Pueblo, Colorado, for use by the State of Flor-*
9 *ida to construct a magnetic levitation track in connection*
10 *with a project or projects being undertaken by American*
11 *Maglev Technology, Inc., to demonstrate magnetic levita-*
12 *tion technology in the United States. If the materials are*
13 *not used for such construction within 3 years after the*
14 *date of the enactment of this Act, title to such materials*
15 *shall revert to the United States.*

16 **SEC. 618. RAILROAD LOAN GUARANTEES.**

17 *(a) DECLARATION OF POLICY.—Section 101(a)(4) of*
18 *the Railroad Revitalization and Regulatory Reform Act of*
19 *1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:*

20 *“(4) Continuation of service on, or preservation*
21 *of, light density lines that are necessary to continued*
22 *employment and community well-being throughout*
23 *the United States.”.*

24 *(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of*
25 *the Railroad Revitalization and Regulatory Reform Act of*
26 *1976 (45 U.S.C. 831(f)) is amended by striking “shall not*

1 *exceed an annual percentage rate which the Secretary deter-*
2 *mines to be reasonable, taking into consideration the pre-*
3 *vailing interest rates for similar obligations in the private*
4 *market.” and inserting in lieu thereof “shall not exceed the*
5 *annual percentage rate which is equivalent to the cost of*
6 *money to the United States.”.*

7 (c) *MINIMUM REPAYMENT PERIOD AND PREPAYMENT*
8 *PENALTIES.*—*Section 511(g)(2) of the Railroad Revitaliza-*
9 *tion and Regulatory Reform Act of 1976 (45 U.S.C.*
10 *831(g)(2)) is amended to read as follows:*

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

15 (d) *DETERMINATION OF REPAYABILITY.*—*Section*
16 *511(g)(5) of the Railroad Revitalization and Regulatory*
17 *Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended to*
18 *read as follows:*

19 “(5) *either the loan can reasonably be repaid by*
20 *the applicant or the loan is collateralized at no more*
21 *than the current value of assets being financed under*
22 *this section to provide protection to the United*
23 *States;”.*

1 **TITLE VII—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *CAPITAL EXPENDITURES.*—Section 24104(a) of
5 *title 49, United States Code, is amended to read as follows:*

6 “(a) *CAPITAL EXPENDITURES.*—*There are authorized*
7 *to be appropriated to the Secretary of Transportation—*

8 “(1) \$230,000,000 for fiscal year 1995;

9 “(2) \$230,000,000 for fiscal year 1996;

10 “(3) \$224,000,000 for fiscal year 1997;

11 “(4) \$501,000,000 for fiscal year 1998;

12 “(5) \$516,000,000 for fiscal year 1999; and

13 “(6) \$531,000,000 for fiscal year 2000,

14 *for the benefit of Amtrak for capital expenditures under*
15 *chapters 243 and 247 of this title.”.*

16 (b) *OPERATING EXPENSES.*—Section 24104(b) of title
17 *49, United States Code, is amended to read as follows:*

18 “(b) *OPERATING EXPENSES.*—*There are authorized to*
19 *be appropriated to the Secretary of Transportation—*

20 “(1) \$542,000,000 for fiscal year 1995;

21 “(2) \$405,000,000 for fiscal year 1996;

22 “(3) \$365,000,000 for fiscal year 1997;

23 “(4) \$387,000,000 for fiscal year 1998;

24 “(5) \$292,000,000 for fiscal year 1999; and

25 “(6) \$242,000,000 for fiscal year 2000,

1 *for the benefit of Amtrak for operating expenses.”.*

2 (c) *ADDITIONAL AUTHORIZATIONS.—Section 24104(c)*
3 *of title 49, United States Code, is amended to read as fol-*
4 *lows:*

5 “(c) *ADDITIONAL AUTHORIZATIONS.—In addition to*
6 *amounts appropriated under subsection (a), there are au-*
7 *thorized to be appropriated to the Secretary of Transpor-*
8 *tation—*

9 “(1) \$200,000,000 for fiscal year 1995;

10 “(2) \$115,000,000 for fiscal year 1996;

11 “(3) \$255,000,000 for fiscal year 1997;

12 “(4) \$250,000,000 for fiscal year 1998;

13 “(5) \$250,000,000 for fiscal year 1999; and

14 “(6) \$250,000,000 for fiscal year 2000,

15 *for the benefit of Amtrak to make capital expenditures*
16 *under chapter 249 of this title.”.*

17 (d) *REDUCTION OF AMOUNTS.—Section 24104 of title*
18 *49, United States Code, is further amended by adding at*
19 *the end the following new subsection:*

20 “(g) *REDUCTION OF AMOUNTS.—For each fiscal year,*
21 *the total amount authorized to be appropriated under sub-*
22 *sections (a) and (c) combined shall be reduced by any*
23 *amount made available to Amtrak pursuant to the Tax-*
24 *payer Relief Act of 1997 for that fiscal year.”.*

1 (e) *CONFORMING AMENDMENTS.*—Section 24909 of
2 title 49, United States Code, and the item relating thereto
3 in the table of sections of chapter 249 of such title, are re-
4 pealed.

5 (f) *GUARANTEE OF OBLIGATIONS.*—There are author-
6 ized to be appropriated to the Secretary of Transpor-
7 tation—

8 (1) \$50,000,000 for fiscal year 1998;

9 (2) \$50,000,000 for fiscal year 1999; and

10 (3) \$50,000,000 for fiscal year 2000,

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

14 (g) *CONDITIONS FOR GUARANTEE OF OBLIGATIONS.*—
15 Section 511(i) of the Railroad Revitalization and Regu-
16 latory Reform Act of 1976 (45 U.S.C. 831(i)) is amended
17 by adding at the end the following new paragraph:

18 “(4) The Secretary shall not require, as a condition
19 for guarantee of an obligation under this section, that all
20 preexisting secured obligations of an obligor be subordinated
21 to the rights of the Secretary in the event of a default.”.