

104TH CONGRESS
1ST SESSION

H. R. 259

To amend title 49, United States Code, to eliminate provisions of Federal law that provide special support for, or burdens on, the operation of Amtrak as a passenger rail carrier, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. HEFLEY (for himself, Mr. MILLER of Florida, Mr. RANGEL, Mr. BARTON of Texas, Mr. COMBEST, and Mr. SCHAEFER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to eliminate provisions of Federal law that provide special support for, or burdens on, the operation of Amtrak as a passenger rail carrier, 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. FINDINGS.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) in 1970, Amtrak was created as a 2-year,
6 federally assisted experiment that was to become an

1 independent and self-sufficient entity shortly there-
2 after;

3 (2) although Amtrak is not a department, agen-
4 cy, or instrumentality of the Federal Government, it
5 cannot operate without large, annual Federal sub-
6 sidies;

7 (3) while Amtrak carries only .3 percent of all
8 intercity travelers, it has cost the American tax-
9 payers over \$15,000,000,000 in subsidies since its
10 creation;

11 (4) Amtrak has been appropriated nearly
12 \$1,000,000,000 in Federal subsidies for fiscal year
13 1995, and General Accounting Office estimates show
14 it could require another \$10,000,000,000 in sub-
15 sidies over the next 5 years to remain viable;

16 (5) the General Accounting Office has con-
17 cluded that Amtrak's expenses will continue to in-
18 crease steadily over the next few years due to its
19 need to—

20 (A) renegotiate its operating agreements
21 with the freight railroads;

22 (B) renegotiate work rules and labor com-
23 pensation with the 14 unions that represent its
24 employees; and

1 (C) invest in modern locomotives and pas-
2 senger cars;

3 (6) the General Accounting Office has con-
4 cluded that Amtrak's financial condition has deterio-
5 rated to the point that its future costs make recov-
6 ery difficult;

7 (7) the statutory requirements imposed on Am-
8 trak ensure that its rail passenger service will be
9 costly, inefficient, and unable to post a profit; and

10 (8) the application of the Railway Labor Act
11 and the Federal Employers' Liability Act to rail pas-
12 senger service employees is excessive, costly, and
13 burdensome and should be reduced to a more realis-
14 tic level.

15 (b) REPEAL.—Section 24101 of title 49, United
16 States Code, and the item relating thereto in the table of
17 sections of chapter 241 of such title, are repealed.

18 **SEC. 2. DEFINITIONS.**

19 Section 24102 of such title is amended—

20 (1) by striking paragraphs (1), (2), (3), (6),
21 (7), (10), and (11); and

22 (2) by redesignating paragraphs (4), (5), (8),
23 and (9) as paragraphs (1), (2), (3), and (4), respec-
24 tively.

1 **SEC. 3. ENFORCEMENT.**

2 Section 24103 of such title is amended—

3 (1) by repealing subsection (b); and

4 (2) by redesignating subsection (c) as sub-
5 section (b).

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 24104 of such title is amended to read as
8 follows:

9 **“§ 24104. Authorization of appropriations**

10 “There are authorized to be appropriated to the Sec-
11 retary of Transportation for the benefit of Amtrak—

12 “(1) \$902,000,000 for fiscal year 1996;

13 “(2) \$652,000,000 for fiscal year 1997;

14 “(3) \$402,000,000 for fiscal year 1998; and

15 “(4) \$152,000,000 for fiscal year 1999.”.

16 **SEC. 5. CHAPTER 243 AMENDMENTS.**

17 Chapter 243 of such title is amended—

18 (1) in the table of sections—

19 (A) by striking the items relating to sec-
20 tions 24302 through 24315; and

21 (B) by inserting after the item relating to
22 section 24301 the following new item:

“24302. Relinquishment of rights to stock, notes, and mortgages.”;

23 (2) in section 24301—

24 (A) by repealing subsections (b), (c), (d),
25 (e), (f), (g), (h), (i), (j), (k), (l), and (n); and

1 (B) by redesignating subsection (m) as
2 subsection (b);

3 (3) by repealing sections 24302 through 25315;

4 and

5 (4) by adding at the end the following new sec-
6 tion:

7 **“§ 24302. Relinquishment of rights to stock, notes,
8 and mortgages**

9 “The United States relinquishes any rights held by
10 virtue of any stock, note of indebtedness, or mortgage is-
11 sued by or entered into with Amtrak.”.

12 **SEC. 6. CHAPTER 245 AMENDMENTS.**

13 (a) SECTION 24501(g) AMENDMENT.—Section
14 24501(g) of such title is amended by striking “Amtrak
15 is exempt” and inserting in lieu thereof “Amtrak Com-
16 muter is exempt”.

17 (b) SECTION 24504(c) REPEAL.—Section 24504(c)
18 of such title is repealed.

19 **SEC. 7. CHAPTERS 247 AND 249 REPEALED.**

20 Chapters 247 and 249 of such title are repealed.

21 **SEC. 8. SERVICE DISCONTINUANCE.**

22 (a) AMENDMENT.—Chapter 241 of such title is
23 amended by adding at the end the following new section:

1 **“§ 24105. Service discontinuance**

2 “(a) WAGE CONTINUATION OR SEVERANCE BENE-
3 FIT.—Notwithstanding any arrangement in effect before
4 the date of enactment of this section, no employee of a
5 rail carrier providing rail passenger transportation whose
6 employment is terminated as a result of a discontinuance
7 of intercity rail passenger service shall receive any wage
8 continuation or severance benefit in excess of 6 months
9 pay. This subsection shall not affect the obligations of rail
10 carriers under section 11347 of this title.

11 “(b) TRANSFER.—Notwithstanding any arrangement
12 in effect before the date of enactment of this section, a
13 rail carrier providing rail passenger transportation may
14 require an employee whose position is eliminated as a re-
15 sult of a discontinuance of intercity rail passenger service
16 to transfer to any vacant position for which the employee
17 can be made qualified on any part of such rail carrier’s
18 system. If such transfer requires a change in residence or
19 seniority district, the employee shall choose—

20 “(1) to transfer to the position and be covered
21 by the collective bargaining agreement applicable to
22 the seniority district to which he is transferred; or

23 “(2) to voluntarily furlough himself at his home
24 location and receive protective benefits not in excess
25 of the amount authorized under subsection (a).

1 For purposes of this subsection, a transfer shall be consid-
2 ered to require a change in residence if the new employ-
3 ment is more than 30 miles from the employee's place of
4 residence and is farther from that residence than was the
5 former work location.”.

6 (b) TABLE OF SECTIONS.—The table of sections of
7 chapter 241 of such title is amended by adding at the end
8 the following new item:

“24105. Service Discontinuance.”.

9 **SEC. 9. FEDERAL EMPLOYERS' LIABILITY ACT.**

10 The Act entitled “An Act relating to the liability of
11 common carriers by railroad to their employees in certain
12 cases.”, enacted April 22, 1908 (45 U.S.C. 51 et seq.; pop-
13 ularly referred to as the “Federal Employers’ Liability
14 Act” or the “Employers’ Liability Act”) is amended by
15 adding at the end the following new section:

16 “SEC. 11. This Act shall not apply to common car-
17 riers to the extent they provide rail passenger transpor-
18 tation.”.

19 **SEC. 10. CONFORMING AMENDMENTS.**

20 (a) RAIL SERVICES PLANNING OFFICE DUTIES.—
21 Section 10362(b)(5) of title 49, United States Code, is
22 amended by striking “(except passenger transportation
23 compensation disputes subject to the jurisdiction of the
24 Commission under sections 24308(a) and 24903(c)(2) of
25 this title).”.

1 (b) AUTHORIZING ABANDONMENT AND DISCONTINU-
2 ANCE.—Section 10903(b)(2) of title 49, United States
3 Code, is amended by striking “and section 405(b) of the
4 Rail Passenger Service Act (45 U.S.C. 565(b))”.

5 (c) EMPLOYEE PROTECTIVE ARRANGEMENTS.—Sec-
6 tion 11347 of title 49, United States Code, is amended
7 by striking “, and the terms established under section 405
8 of the Rail Passenger Service Act (45 U.S.C. 565)”.

9 (d) TERMINAL FACILITIES.—Section 5567 of title
10 49, United States Code, and the item relating thereto in
11 the table of sections of chapter 55 of such title, are re-
12 pealed.

13 **SEC. 11. EFFECTIVE DATES.**

14 (a) GENERAL RULE.—Except as otherwise provided
15 in this section, this Act shall take effect 1 year after the
16 date of its enactment.

17 (b) EXCEPTIONS.—(1) Sections 4, 8, and 9 of this
18 Act shall take effect immediately upon enactment.

19 (2) The repeal of section 24909 of title 49, United
20 States Code, shall take effect on October 1, 1995.

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