

In the Senate of the United States,

September 12, 2007.

Resolved, That the bill from the House of Representatives (H.R. 3074) entitled "An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.", do pass with the following

FEDERAL RAILROAD ADMINISTRATION

9 SAFETY AND OPERATIONS

*10 For necessary expenses of the Federal Railroad Admin11
12 stration, not otherwise provided for, \$151,186,000, of which
13 \$12,268,890 shall remain available until expended.*

13 RAILROAD RESEARCH AND DEVELOPMENT

*14 For necessary expenses for railroad research and devel15
16 opment, \$36,250,000, to remain available until expended.*

16 CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER

17 RAIL SERVICE

*18 To enable the Federal Railroad Administrator to make
19 grants to States for the capital costs of improving existing
20 intercity passenger rail service and providing new intercity
21 passenger rail, \$100,000,000, to remain available until ex22
23 pended: Provided, That grants shall be provided to a State
24 only on a reimbursable basis: Provided further, That grants
25 cover no more than 50 percent of the total capital cost of
26 a project selected for funding: Provided further, That no*

†

43

HR 3074 EAS

*1 Secretary shall establish and publish criteria for project se2
3 lection, set a deadline for grant applications, and provide
3 a schedule for project selection: Provided further, That the*

4 provisions of section 24312 of title 49, United States Code,
5 shall apply to grantees assisted under this paragraph: Pro6
vided further, That to be eligible for this assistance, States
7 must include intercity passenger rail service as an integral
8 part of statewide transportation planning as required
9 under section 135 of title 23, United States Code: Provided
10 further, That the specific project must be on the Statewide
11 Transportation Improvement Plan at the time of the appli12
cation to qualify: Provided further, That the Secretary give
13 priority to applications for projects that improve the safety
14 and reliability of intercity passenger trains, involve a com15
mitment by freight railroads to an enforceable on-time per16
formance of passenger trains of 80 percent or greater, in17
volve a commitment by freight railroads of financial re18
sources commensurate with the benefit expected to their op19
erations, improve or extend service on a route that requires
20 little or no Federal assistance for its operations, involve a
21 commitment by States or railroads of financial resources
22 to improve the safety of highway/rail grade crossings over
23 which the passenger service operates.

24 RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

25 The Secretary of Transportation is authorized to issue
26 to the Secretary of the Treasury notes or other obligations

†

44

HR 3074 EAS

1 pursuant to section 512 of the Railroad Revitalization and
2 Regulatory Reform Act of 1976 (Public Law 94-210), as
3 amended, in such amounts and at such times as may be
4 necessary to pay any amounts required pursuant to the
5 guarantee of the principal amount of obligations under sec6
tions 511 through 513 of such Act, such authority to exist
7 as long as any such guaranteed obligation is outstanding:
8 Provided, That pursuant to section 502 of such Act, as

9 amended, no new direct loans or loan guarantee commit10
ments shall be made using Federal funds for the credit risk
11 premium during fiscal year 2008.

12 OPERATING GRANTS TO THE NATIONAL RAILROAD

13 PASSENGER CORPORATION

14 To enable the Secretary of Transportation to make
15 quarterly grants to the National Railroad Passenger Cor16
poration for operation of intercity passenger rail,
17 \$485,000,000 to remain available until expended: Provided,
18 That the Secretary of Transportation shall approve funding
19 to cover operating losses for the Corporation only after re20
ceiving and reviewing a grant request for each specific train
21 route: Provided further, That each such grant request shall
22 be accompanied by a detailed financial analysis, revenue
23 projection, and capital expenditure projection justifying the
24 Federal support to the Secretary's satisfaction: Provided
25 further, That the Corporation is directed to achieve savings
26 through operating efficiencies including, but not limited to,

†

45

HR 3074 EAS

1 modifications to food and beverage service and first class
2 service: Provided further, That the Inspector General of the
3 Department of Transportation shall report to the House
4 and Senate Committees on Appropriations beginning three
5 months after the date of the enactment of this Act and quar6
terly thereafter with estimates of the savings accrued as a
7 result of all operational reforms instituted by the Corpora8
tion: Provided further, That not later than 120 days after
9 enactment of this Act, the Corporation shall transmit to the
10 House and Senate Committees on Appropriations the status
11 of its plan to improve the financial performance of food
12 and beverage service and its plan to improve the financial
13 performance of first class service (including sleeping car

14 service): Provided further, That the Corporation shall report
15 quarterly to the House and Senate Committees on Appro16
priations on its progress against the milestones and target
17 dates contained in the plan provided in fiscal year 2007
18 and quantify savings realized to date on a monthly basis
19 compared to those projected in the plan, identify any
20 changes in the plan or delays in implementing these plans,
21 and identify the causes of delay and proposed corrective
22 measures: Provided further, That not later than 90 days
23 after enactment of this Act, the Corporation shall transmit,
24 in electronic format, to the Secretary, the House and Senate
25 Committees on Appropriations, the House Committee on

†

46

HR 3074 EAS

1 Transportation and Infrastructure and the Senate Com2
mittee on Commerce, Science, and Transportation a com3
prehensive business plan approved by the Board of Direc4
tors for fiscal year 2008 under section 24104(a) of title 49,
5 United States Code: Provided further, That the business
6 plan shall include, as applicable, targets for ridership, reve7
nues, and capital and operating expenses: Provided further,
8 That the plan shall also include a separate accounting of
9 such targets for the Northeast Corridor; commuter service;
10 long-distance Amtrak service; State-supported service; each
11 intercity train route, including Autotrain; and commercial
12 activities including contract operations: Provided further,
13 That the business plan shall include a description of the
14 work to be funded, along with cost estimates and an esti15
mated timetable for completion of the projects covered by
16 this business plan: Provided further, That the Corporation
17 shall continue to provide monthly reports in electronic for18
mat regarding the pending business plan, which shall de19
scribe the work completed to date, any changes to the busi20

ness plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's

†

47

HR 3074 EAS

1 website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That the leases and contracts entered into by the Corporation in any year that the Corporation receives a Federal subsidy after the date of enactment of the Act, regardless of the place the same may be executed, shall be governed by the laws of the District of Columbia: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

14 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL

15 RAILROAD PASSENGER CORPORATION

16 To enable the Secretary of Transportation to make
17 quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad
20 equipment, rolling stock, legal mandates and other services,
21 \$885,000,000, to remain available until expended, of which
22 not to exceed \$285,000,000 shall be for debt service obligations: Provided, That the Secretary may retain up to one
24 quarter of one percent of the funds under this heading to
25 fund the oversight by the Federal Railroad Administration

26 of the design and implementation of capital projects funded

†

48

HR 3074 EAS

1 by grants made under this heading: Provided further, That
2 the Secretary shall approve funding for capital expendi3
tures, including advance purchase orders of materials, for
4 the Corporation only after receiving and reviewing a grant
5 request for each specific capital grant justifying the Federal
6 support to the Secretary's satisfaction: Provided further,
7 That none of the funds under this heading may be used
8 to subsidize operating losses of the Corporation: Provided
9 further, That none of the funds under this heading may be
10 used for capital projects not approved by the Secretary of
11 Transportation or on the Corporation's fiscal year 2008
12 business plan: Provided further, That \$35,000,000 of
13 amounts made available under this heading shall be avail14
able until expended for capital improvements if the Cor15
poration demonstrates to the Secretary's satisfaction that
16 the Corporation has achieved operational savings and met
17 ridership and revenue targets as defined in the Corpora18
tion's business plan: Provided further, That of the funds
19 provided under this section, not less than \$5,000,000 shall
20 be expended for the development and implementation of a
21 managerial cost accounting system, which includes average
22 and marginal unit cost capability: Provided further, That
23 within 90 days of enactment, the Department of Transpor24
tation Inspector General shall review and comment to the
25 Secretary of Transportation and the House and Senate

†

49

HR 3074 EAS

1 Committees on Appropriations upon the strengths and
2 weaknesses of the system being developed by the Corporation
3 and how it best can be implemented to improve decision

4 making by the Board of Directors and management of the
5 Corporation: Provided further, That not later than 180
6 days after the enactment of this Act, the Secretary, in con7
sultation with the Corporation and the States on the North8
east Corridor, shall establish a common definition of what
9 is determined to be a "state of good repair" on the Northeast
10 Corridor and report its findings, including definitional
11 areas of disagreement, to the House and Senate Committees
12 on Appropriations, the House Committee on Transpor13
tation and Infrastructure and the Senate Committee on
14 Commerce, Science, and Transportation.

15 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

16 ADMINISTRATION

17 SEC. 150. Notwithstanding any other provision of this
18 Act, funds provided in this Act for the National Railroad
19 Passenger Corporation shall immediately cease to be avail20
able to said Corporation in the event that the Corporation
21 contracts to have services provided at or from any location
22 outside the United States. For purposes of this section, the
23 word "services" shall mean any service that was, as of July
24 1, 2006, performed by a full-time or part-time Amtrak em25
ployee whose base of employment is located within the
26 United States.

†

50

HR 3074 EAS

1 SEC. 151. Not later than January 1, 2008, the Federal
2 Railroad Administrator shall submit a report, and quar3
terly reports thereafter, to the House and Senate Commit4
tees on Appropriations detailing the Administrator's efforts
5 at improving the on-time performance of Amtrak intercity
6 rail service operating on non-Amtrak owned property. Such
7 reports shall compare the most recent actual on-time per8
formance data to pre-established on-time performance goals

9 that the Administrator shall set for each rail service, identi10
fied by route. Such reports shall also include whatever other
11 information and data regarding the on-time performance
12 of Amtrak trains the Administrator deems to be appro13
priate.

14 SEC. 152. The Secretary may purchase promotional
15 items of nominal value for use in public outreach activities
16 to accomplish the purposes of 49 U.S.C. 20134: Provided,
17 That the Secretary shall prescribe guidelines for the admin18
istration of such purchases and use.

19 SEC. 153. Hereafter, any lease or contract entered into
20 between the National Railroad Passenger Corporation and
21 the State of Maryland or any department or agency of the
22 State of Maryland, after the date of the enactment of this
23 Act, shall be governed by the laws of the District of Colum24
bia.

†