Payne	Ryun	Smith (OR)
Rangel	Schiff	Souder

□ 1106

Messrs. STUPAK, BARR of Georgia, BURTON of Indiana, MORAN of Kansas, HULSHOF, PAXON, PICKERING, CALVERT, PEASE, BENTSEN, KENNEDY of Rhode Island, Mrs. LOWEY, Mrs. THURMAN, and Ms. SLAUGHTER changed their vote from ''yea'' to ''nay.''

Messrs. MCINNIS, DAVIS of Virginia, and COX of California changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 270 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2247.

□ 1108

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. THORNBERRY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 22, 1997, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the Committee amendment in the nature of a substitute is as follows:

H.R. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amtrak Reform and Privatization Act of 1997''.

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

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

''(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

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

''(B) If Amtrak enters into a contract as described in subparagraph (A)—

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

''(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

''(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains.''.

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

SEC. 102. CONTRACTING PRACTICES.

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

''(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

''(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.''.

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

''(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

''(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

''(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

''(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.''.

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation.''.

SEC. 103. FREEDOM OF INFORMATION ACT.

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

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to identify how Amtrak's specifications can be met by the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall report to the Congress within 2 years after the date of the enactment of this Act on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

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

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

(1) by striking subsection (b);

(2) by striking ''NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this section, at'' and inserting in lieu thereof ''TIME OF NOTICE.—At'';

(3) by striking ''90 days'' and inserting in lieu thereof ''180 days'';

(4) by striking ''a discontinuance under section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''discontinuing service over a route'';

(5) by inserting ''or assume'' after ''agree to share'';

(6) by striking ''(2) Notice'' and inserting in lieu thereof ''(b) PLACE OF NOTICE.—Notice''; and

(7) by striking ''section 24704 or 24707(a) or (b) of this title'' and inserting in lieu thereof ''subsection (a)''.

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

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

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking '', 24701(a),''.

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

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

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

''(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation.''.

SEC. 203. ROUTE AND SERVICE CRITERIA.

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

SEC. 204. ADDITIONAL QUALIFYING ROUTES.

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

SEC. 205. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

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

(b) EXISTING AGREEMENTS.—Amtrak shall not, after the date of the enactment of this Act, be required to provide transportation services pursuant to an agreement entered into before such date of enactment under the section repealed by subsection (a) of this section.

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

(d) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ''or 24704(b)(2)''.

SEC. 206. AMTRAK COMMUTER.

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

(b) CONFORMING AMENDMENTS.—(1) Section 24301(f) of title 49, United States Code, is amended to read as follows:

''(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.''.

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

SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST CORRIDOR.

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

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b);

(3) in subsection (b), as so redesignated by paragraph (2) of this subsection—

(A) by striking ''TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES'' in the subsection head and inserting in lieu thereof ''FREIGHT TRANSPORTATION'';

(B) by inserting ''relating to rail freight transportation'' after ''subsection (a)(6) of this section'' in paragraph (1); and

(C) by inserting ''to an agreement described in paragraph (1)'' after ''If the parties'' in paragraph (2); and

(4) by inserting after subsection (b), as so redesignated by paragraph (2) of this subsection, the following new subsection:

''(c) BINDING ARBITRATION FOR COMMUTER DISPUTES.—(1) If the parties to an agreement described in subsection (a)(6) relating to commuter rail passenger transportation cannot agree to the terms of such agreement, such parties shall submit the issues in dispute to binding arbitration.

''(2) The parties to a dispute described in paragraph (1) may agree to use the Surface Transportation Board to arbitrate such dispute, and if requested the Surface Transportation Board shall perform such function.''.

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

''(d) MINIMIZING GOVERNMENT SUBSIDIES.—To carry out this part, Amtrak is encouraged to make agreements with the private sector and undertake initiatives that are consistent with good business judgment, that produce income to minimize Government subsidies, and that promote the potential privatization of Amtrak's operations.''.

SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.

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

(1) in subsection (e), by inserting ''financial or'' after ''Comptroller General may conduct''; and

(2) by adding at the end the following new subsection:

''(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.''.

TITLE III—COLLECTIVE BARGAINING REFORMS

SEC. 301. RAILWAY LABOR ACT PROCEDURES.

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

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; and

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

applicable to employees of Amtrak shall be deemed served and effective on the date which is 90 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee.

(2) In the case of provisions of a collective bargaining agreement with respect to which a moratorium is in effect 90 days after the date of the enactment of this Act, paragraph (1) shall take effect on the expiration of such moratorium. For purposes of the application of paragraph (1) to such provisions, notices shall be deemed served and effective on the date of such expiration.

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

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to any dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 180 days after the date of the enactment of this Act.

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

(A) is unresolved as of the date which is 180 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c),

Amtrak and the labor organization parties to such dispute shall, within 187 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 194 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad. Nothing in this subsection shall preclude an individual from being selected for more than 1 dispute described in subsection (a).

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

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

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

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

SEC. 302. SERVICE DISCONTINUANCE.

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

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

(A) employee protective arrangements and severance benefits, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973; or

(B) contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees,

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

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

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

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

(1) by inserting ''(1)'' before ''After January 1, 1983'';

(2) by striking ''Amtrak, Amtrak Commuter, and Conrail'' and inserting in lieu thereof ''Amtrak and Conrail'';

(3) by striking ''Such agreement shall ensure'' and all that follows through ''submitted to binding arbitration.''; and

(4) by adding at the end the following new paragraph:

''(2) Notwithstanding any other provision of law, agreement, or arrangement, with respect to employees in any class or craft in train or engine service, Conrail shall have the right to furlough one such employee for each employee in train or engine service who moves from Amtrak to Conrail in excess of the cumulative number of such employees who move from Conrail to Amtrak. Conrail shall not be obligated to fill any position governed by an agreement concerning crew consist, attrition arrangements, reserve boards, or reserve engine service positions, where an increase in positions is the result of the return of an Amtrak employee pursuant to an agreement entered into under paragraph (1). Conrail's collective bargaining agreements with organizations representing its train and engine service employees shall be deemed to have been amended to conform to this paragraph. Any dispute or controversy with respect to the interpretation, application, or enforcement of this paragraph which has not been resolved within 90

days after the date of the enactment of this paragraph may be submitted by either party to an adjustment board for a final and binding decision under section 3 of the Railway Labor Act.''.

TITLE IV—USE OF RAILROAD FACILITIES

SEC. 401. LIABILITY LIMITATION.

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

''§ 28103. Limitations on rail passenger transportation liability

''(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State—

''(A) punitive damages shall not exceed the greater of—

''(i) $250,000; or

''(ii) three times the amount of economic loss; and

''(B) noneconomic damages awarded to any claimant for each accident or incident shall not exceed the claimant's economic loss, if any, by more than $250,000.

''(2) If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the claimant may recover in a claim limited by this subsection for economic and noneconomic damages and punitive damages, subject to paragraph (1)(A) and (B).

''(3) For purposes of this subsection—

''(A) the term 'actual damages' means damages awarded to pay for economic loss;

''(B) the term 'claim' means a claim made, directly or indirectly—

''(i) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State; or

''(ii) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

''(C) the term 'economic loss' means any pecuniary loss resulting from harm, including the loss of earnings, medical expense loss, replacement services loss, loss due to death, burial costs, loss of business or employment opportunities, and any other form of pecuniary loss allowed under applicable State law or under paragraph (2) of this subsection;

''(D) the term 'noneconomic damages' means damages other than punitive damages or actual damages; and

''(E) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

''(b) INDEMNIFICATION OBLIGATIONS.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

''(c) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act') or under any workers compensation Act.

''(d) DEFINITION.—For purposes of this section, the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.''.

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

''28103. Limitations on rail passenger transportation liability.''.

TITLE V—FINANCIAL REFORMS

SEC. 501. FINANCIAL POWERS.

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

''§ 24304. Employee stock ownership plans

''In issuing stock pursuant to applicable corporate law, Amtrak is encouraged to include employee stock ownership plans.''.

(2) The item relating to section 24304 of title 49, United States Code, in the table of sections of chapter 243 of such title is amended to read as follows:

''24304. Employee stock ownership plans.''.

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

(2) Section 28103 of title 49, United States Code, shall not apply to any rail carrier holding common stock of Amtrak after the expiration of 2 months after the date of the enactment of this Act.

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

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

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

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

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

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

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

(e) STATUS AND APPLICABLE LAWS.—(1) Section 24301(a)(3) of title 49, United States Code, is amended by inserting '', and shall not be subject to title 31'' after ''United States Government''.

(2) Section 9101(2) of title 31, United States Code, relating to Government corporations, is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (L) as subparagraphs (A) through (K), respectively.

SEC. 502. DISBURSEMENT OF FEDERAL FUNDS.

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

''(d) ADMINISTRATION OF APPROPRIATIONS.—Federal operating assistance funds appropriated to Amtrak shall be provided to Amtrak upon appropriation when requested by Amtrak.''.

SEC. 503. BOARD OF DIRECTORS.

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

''§ 24302. Board of Directors

''(a) EMERGENCY REFORM BOARD.—

''(1) ESTABLISHMENT AND DUTIES.—The Emergency Reform Board described in paragraph (2) shall assume the responsibilities of the Board of Directors of Amtrak 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, or as soon thereafter as such Board is sufficiently constituted to function as a board of directors under applicable corporate law. Such Board shall adopt new bylaws, including procedures for the selection of members of the Board of Directors under subsection (c) which provide for employee representation.

''(2) MEMBERSHIP.—(A) The Emergency Reform Board shall consist of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) In selecting individuals for nominations for appointments to the Emergency Reform Board, the President should consult with—

''(i) the Speaker of the House of Representatives concerning the appointment of two members;

''(ii) the minority leader of the House of Representatives concerning the appointment of one member;

''(iii) the majority leader of the Senate concerning the appointment of two members; and

''(iv) the minority leader of the Senate concerning the appointment of one member.

''(C) Appointments under subparagraph (A) shall be made from among individuals who—

''(i) have technical qualification, professional standing, and demonstrated expertise in the fields of intercity common carrier transportation and corporate management; and

''(ii) are not employees of Amtrak, employees of the United States, or representatives of rail labor or rail management.

''(b) DIRECTOR GENERAL.—If the Emergency Reform Board described in subsection (a)(2) is not sufficiently constituted to function as a board of directors under applicable corporate law before the expiration of 60 days after the date of the enactment of the Amtrak Reform and Privatization Act of 1997, the Chief Justice of the United States shall appoint a Director General, who shall exercise all powers of the Board of Directors of Amtrak until the Emergency Reform Board assumes such powers.

''(c) BOARD OF DIRECTORS.—Four years after the establishment of the Emergency Reform Board under subsection (a), a Board of Directors shall be selected pursuant to bylaws adopted by the Emergency Reform Board, and the Emergency Reform Board shall be dissolved.

''(d) AUTHORITY TO RECOMMEND PLAN.—The Emergency Reform Board shall have the authority to recommend to the Congress a plan to implement the recommendations of the 1997 Working Group on Inter-City Rail regarding the transfer of Amtrak's infrastructure assets and responsibilities to a new separately governed corporation.''.

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

SEC. 504. REPORTS AND AUDITS.

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

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

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

(3) in subsection (d), as so redesignated by paragraph (2) of this section, by striking ''(d) or (e)'' and inserting in lieu thereof ''(b) or (c)''.

SEC. 505. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by inserting ''The preceding sentence shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak.'' after ''with comparable responsibility.''.

SEC. 506. EXEMPTION FROM TAXES.

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

(1) by inserting '', and any passenger or other customer of Amtrak or such subsidiary,'' after ''subsidiary of Amtrak'';

(2) by striking ''or fee imposed'' and all that follows through ''levied on it'' and inserting in lieu thereof '', fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority, directly or indirectly on Amtrak or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or a rail carrier subsidiary of Amtrak, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom''; and

(3) by amending the last sentence thereof to read as follows: ''In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TEMPORARY RAIL ADVISORY COUNCIL.

(a) APPOINTMENT.—Within 30 days after the date of the enactment of this Act, a Temporary Rail Advisory Council (in this section referred to as the ''Council'') shall be appointed under this section.

(b) DUTIES.—The Council shall—

(1) evaluate Amtrak's performance;

(2) prepare an analysis and critique of Amtrak's business plan;

(3) suggest strategies for further cost containment and productivity improvements, including strategies with the potential for further reduction in Federal operating subsidies and the eventual partial or complete privatization of Amtrak's operations; and

(4) recommend appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles.

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

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

(B) One individual to be appointed by the minority leader of the House of Representatives.

(C) Two individuals to be appointed by the majority leader of the Senate.

(D) One individual to be appointed by the minority leader of the Senate.

(E) One individual to be appointed by the President.

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

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

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

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

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

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide to the Council such administrative support as the Council requires to carry out this section.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection which is a trade secret or commercial or financial information that is privileged or confidential.

(g) REPORTS.—(1) Within 120 days after the date of the enactment of this Act, the Council shall transmit to the Amtrak board of directors and the Congress an interim report on its findings and recommendations.

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

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

SEC. 602. PRINCIPAL PLACE OF BUSINESS.

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

(1) by striking the first sentence;

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

(3) by inserting ''For purposes of this subsection, the term 'State' includes the District of Columbia. Notwithstanding section 3 of the District of Columbia Business Corporation Act, Amtrak, if its principal place of business is located in the District of Columbia, shall be considered organized under the provisions of such Act.'' after ''in a civil action.''.

SEC. 603. STATUS AND APPLICABLE LAWS.

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

(1) in subsection (a)(1), by striking ''rail carrier under section 10102'' and inserting in lieu thereof ''railroad carrier under section 20102(2) and chapters 261 and 281''; and

(2) by amending subsection (c) to read as follows:

''(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.''.

SEC. 604. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking ''1996'' and inserting in lieu thereof ''2000''.

SEC. 605. ASSISTANCE FOR UPGRADING FACILITIES.

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

SEC. 606. RAIL SAFETY SYSTEM PROGRAM.

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

SEC. 607. DEMONSTRATION OF NEW TECHNOLOGY.

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

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

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

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

SEC. 609. BOSTON-NEW HAVEN ELECTRIFICATION PROJECT.

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

(1) by inserting ''(1)'' before ''Improvements under''; and

(2) by adding at the end the following new paragraph:

''(2) Amtrak shall design and construct the electrification system between Boston, Massachusetts, and New Haven, Connecticut, to accommodate the installation of a third mainline track between Davisville and Central Falls, Rhode Island, to be used for double-stack freight service to and from the Port of Davisville. Amtrak shall also make clearance improvements on the existing main line tracks to permit double stack service on this line, if funds to defray the costs of clearance improvements beyond Amtrak's own requirements for electrified passenger service are provided by public or private entities other than Amtrak. Wherever practicable, Amtrak shall use portal structures and realign existing tracks on undergrade and overgrade bridges to minimize the width of the right-of-way required to add the third track. Amtrak shall take such other steps as may be required to coordinate and facilitate design and construction work. The Secretary of Transportation may provide appropriate support to Amtrak for carrying out this paragraph.''.

SEC. 610. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—Amtrak, and with respect only to the facilities it jointly uses with Amtrak, a commuter authority, shall not be subject to any requirement under section 242(a)(1) and (3) and (e)(2) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(a)(1) and (3) and (e)(2)) until January 1, 1998. For stations jointly used by Amtrak and a commuter authority, this subsection shall not affect the allocation of costs between Amtrak and the commuter authority relating to accessibility improvements.

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

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 611. DEFINITIONS.

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

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

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

(3) by inserting after paragraph (6), as so redesignated by paragraph (2) of this section, the following new paragraph:

''(7) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail;'';

(4) in paragraph (6), as so redesignated by paragraph (2) of this section, by inserting '', including a unit of State or local government,'' after ''means a person''; and

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

SEC. 612. NORTHEAST CORRIDOR COST DISPUTE.

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

SEC. 613. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Amtrak,''.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978.

SEC. 614. CONSOLIDATED RAIL CORPORATION.

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

SEC. 615. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

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

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities and intermodal passenger facilities;

(B) the purchase of locomotives; and

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

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

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

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

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

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

(B) issue bonds; and

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

SEC. 616. CONFORMING AMENDMENTS.

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

(1) in section 24307(b)(3), as so redesignated by section 610(b)(2) of this Act, by striking ''Interstate Commerce Commission'' and inserting in lieu thereof ''Surface Transportation Board'';

(2) in section 24308—

(A) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board'';

(3) in section 24311(c)—

(A) by striking ''Interstate Commerce Commission'' in paragraph (1) and inserting in lieu thereof ''Surface Transportation Board'';

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

(C) by striking ''Commission's'' in paragraph (2) and inserting in lieu thereof ''Board's'';

(4) in section 24902(j)—

(A) by striking ''Interstate Commerce Commission'' each place it appears and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''; and

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

(A) by striking ''Interstate Commerce Commission'' in paragraph (2) and inserting in lieu thereof ''Surface Transportation Board''; and

(B) by striking ''Commission'' each place it appears and inserting in lieu thereof ''Board''.

SEC. 617. MAGNETIC LEVITATION TRACK MATERIALS.

The Secretary of Transportation shall transfer to the State of Florida, pursuant to a grant or cooperative agreement, title to aluminum reaction rail, power rail base, and other related materials (originally used in connection with the Prototype Air Cushion Vehicle Program between 1973 and 1976) located at the Transportation Technology Center near Pueblo, Colorado, for use by the State of Florida to construct a magnetic levitation track in connection with a project or projects being undertaken by American Maglev Technology, Inc., to demonstrate magnetic levitation technology in the United States. If the materials are not used for such construction within 3 years after the date of the enactment of this Act, title to such materials shall revert to the United States.

SEC. 618. RAILROAD LOAN GUARANTEES.

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

''(4) Continuation of service on, or preservation of, light density lines that are necessary to continued employment and community well-being throughout the United States.''.

(b) MAXIMUM RATE OF INTEREST.—Section 511(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(f)) is amended by striking ''shall not exceed an annual percentage rate which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates for similar obligations in the private market.'' and inserting in lieu thereof ''shall not exceed the annual percentage rate which is equivalent to the cost of money to the United States.''.

(c) MINIMUM REPAYMENT PERIOD AND PREPAYMENT PENALTIES.—Section 511(g)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(g)(2)) is amended to read as follows:

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

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

''(5) either the loan can reasonably be repaid by the applicant or the loan is collateralized at no more than the current value of assets being financed under this section to provide protection to the United States;''.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

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

''(a) CAPITAL EXPENDITURES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $230,000,000 for fiscal year 1995;
''(2) $230,000,000 for fiscal year 1996;
''(3) $224,000,000 for fiscal year 1997;
''(4) $501,000,000 for fiscal year 1998;
''(5) $516,000,000 for fiscal year 1999; and
''(6) $531,000,000 for fiscal year 2000,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title.''.

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

''(b) OPERATING EXPENSES.—There are authorized to be appropriated to the Secretary of Transportation—

''(1) $542,000,000 for fiscal year 1995;
''(2) $405,000,000 for fiscal year 1996;
''(3) $365,000,000 for fiscal year 1997;
''(4) $387,000,000 for fiscal year 1998;
''(5) $292,000,000 for fiscal year 1999; and
''(6) $242,000,000 for fiscal year 2000,

for the benefit of Amtrak for operating expenses.''.

(c) ADDITIONAL AUTHORIZATIONS.—Section 24104(c) of title 49, United States Code, is amended to read as follows:

''(c) ADDITIONAL AUTHORIZATIONS.—In addition to amounts appropriated under subsection (a), there are authorized to be appropriated to the Secretary of Transportation—

''(1) $200,000,000 for fiscal year 1995;
''(2) $115,000,000 for fiscal year 1996;
''(3) $255,000,000 for fiscal year 1997;
''(4) $250,000,000 for fiscal year 1998;
''(5) $250,000,000 for fiscal year 1999; and
''(6) $250,000,000 for fiscal year 2000,

for the benefit of Amtrak to make capital expenditures under chapter 249 of this title.''.

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

''(g) REDUCTION OF AMOUNTS.—For each fiscal year, the total amount authorized to be appropriated under subsections (a) and (c) combined shall be reduced by any amount made available to Amtrak pursuant to the Taxpayer Relief Act of 1997 for that fiscal year.''.

(e) CONFORMING AMENDMENTS.—Section 24909 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 249 of such title, are repealed.

(f) GUARANTEE OF OBLIGATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

(1) $50,000,000 for fiscal year 1998;
(2) $50,000,000 for fiscal year 1999; and
(3) $50,000,000 for fiscal year 2000,

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

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

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

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 105–334 and an amendment in the nature of a substitute by the gentleman from Minnesota [Mr. OBERSTAR]. That amendment may be offered only after the disposition of the amendments printed in the report, shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by an opponent and a proponent, and shall not be subject to an amendment.

The amendments printed in the report may be offered only by a Member designated in the report, shall be considered 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.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

PREFERENTIAL MOTION OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 214, not voting 24, as follows:

[Roll No. 528]

AYES—195

Abercrombie	Bishop	Cardin
Ackerman	Blagojevich	Carson
Allen	Blumenauer	Clay
Baesler	Bonior	Clayton
Baldacci	Borski	Clement
Barcia	Boswell	Clyburn
Barrett (WI)	Boucher	Condit
Becerra	Boyd	Conyers
Bentsen	Brown (FL)	Costello
Berman	Brown (OH)	Coyne
Berry	Capps	Cramer

Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Bereuter
Bilirakis
Bono
Brown (CA)
Chenoweth
Cubin
Dickey
Fawell
Forbes
Gonzalez
Goodling
Houghton
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Scarborough
Schiff
Smith (OR)
Souder
Weldon (PA)

□ 1128

Mr. WALSH and Mr. OXLEY changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, I take this time for the purpose of advising the Members about the day's schedule.

Mr. Chairman, of course, as we all know, we are approaching the end of the legislative year. This is always a hectic time in our lives. There are always important matters that must be resolved before we finish.

We come to the point of time in the year's schedule when it becomes difficult, and, many times impossible, to postpone legislation, and while, during the course of the year and at all times I do my very best to in fact honor the commitment for Members with respect to their ability to get away from the week's work at the appointed time, I feel like it is only fair for all the Members to get an early warning, as early as I can realize it, when it might be that we may not be able to meet the departure time for the day.

Today we were, of course, promised, as is our usual custom on Fridays, a 2 o'clock departure time. But we do have two very important pieces of legislation that must be completed today, Amtrak and the Interior conference report. Already today we have had some votes that perhaps we might not have had to have that indicate to me that the 2 o'clock departure time is not likely to be something we can meet.

I would like to, of course, retain the completion of our work to some period of time as soon after 2 o'clock as possible, and I would encourage all our Members to be circumspect and respectful of one another in the use of our time so that we can complete these two important legislative pieces today and finish our work. But it is only fair that I encourage everybody to understand that under any circumstances, we simply do not have time in the legislative calendar into which we can postpone these two pieces of work, if we are then to complete the other work that is still before us.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. FAZIO of California. I think everyone here, Mr. Leader, would like to proceed on the agenda to complete this Congress, and certainly I think most of us would have hoped we could have taken up the Amtrak matter yesterday, as we had scheduled to.

But it seems to me the one key component to getting agreement from both sides of the aisle to proceed on all these important matters is an overridingly important issue that relates to the gentlewoman from Orange County, CA [Ms. SANCHEZ].

She will be having an anniversary, as we all will, of our election here before we leave this town the first Tuesday of November, and yet she has not been accorded the same ability to take and hold her seat that the rest of us have.

I think it is fair to say the people on this side of the aisle, who showed the power of their support for her last night, retain that interest, and implore the majority to bring that issue to close before we leave. If that assurance can be given, I think the process here can be eased greatly.

Mr. ARMEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks, and it is my understanding that the gentlewoman from California [Mrs. SANCHEZ] is in fact seated in the body, is voting, does have her committee assignments, and is working on the same basis as any other Member. The House did, of course, spend some time yesterday addressing this issue. It is an important issue, as the gentleman from California says, and it is in fact so important that it will be done fully, completely, professionally, objectively and fairly.

Finally, before I yield back my time, I should say that another very important component to the effect of successful completion of work is civility.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATOURETTE:

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.

The CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Ohio [Mr. LATOURETTE] and a Member opposed each will control 10 minutes. Does the gentleman from Pennsylvania [Mr. SHUSTER] seek the time in opposition?

Mr. SHUSTER. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I ask unanimous consent that half of my 10 minutes in support of the amendment be given to the coauthor of the amendment, the gentleman from Ohio [Mr. TRAFICANT], and that he be permitted to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(Mr. LATOURETTE asked and was given permission to revise and extend his remarks.]

Mr. LaTOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, initially I want to thank the cosponsor of this amendment, my fine colleague, the gentleman from Ohio, [Mr. TRAFICANT]. I also want to commend the chairman of our full committee, the gentleman from Pennsylvania [BUD SHUSTER], for not only his work on this bill, but also in the way that he has been willing to work with us, and even appear at the Committee on Rules and suggest that this amendment be made in order.

This bill is sound in many respects, as it serves to reform Amtrak and many important areas. There is no doubt that one reason that Amtrak continues to run deficits is due to the lack of reform. Where I must respectfully part company, however, with our chairman, is whether the C–2 labor protections for Amtrak are part of that problem.

I supported this bill in the last Congress and in committee this year out of respect for our chairman and the arguments that he made. But that support was based upon the argument that C–2 protections were adversely impacting the financial health of Amtrak.

Based upon information received during the committee hearing, I have doubts, serious doubts, about those claims. Amtrak's current net loss is in the neighborhood of $322 million. In 1995 and 1996 Amtrak paid out only $2 million in labor protection to approximately 2,000 employees. This works out to approximately $1,000 per employee.

The cost of labor protection and contracting out is open to debate, and in regard to C–2 labor protections, which we heard so much about during the course of the rule debated, Amtrak has been unable to produce a single individual who has ever received the C–2 labor protection.

In a July letter written by Tom Downs, the CEO of Amtrak, which I will include for the RECORD, he stated Amtrak does not experience a significant cost in C–2 expenses, so that the impact of the repeal of C–2 would not save us any significant funds except ultimately in the bankruptcy of Amtrak. I also state that I would prefer to be able to negotiate C–2 provisions with labor than to have Congressman date changes.

I mention the Downs letter simply to stress there is an honest difference of opinion regarding the issue of existing labor protection and the prohibition of contracting out. Given this fact, it is only fair that these issues be subject to collective bargaining. The amendment will provide for these issues to be bargained between Amtrak and its union organizations and ensure that neither party negotiates from a disadvantaged position.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must rise in opposition to this amendment. This amendment will destroy the labor reforms in the legislation, leaving in place the status quo that has helped bring us to the brink of bankruptcy with Amtrak. Indeed, this amendment will destroy the labor reform in this legislation, which is, and I emphasize this, which is precisely, exactly, the same labor reform which passed this House in the last Congress by a vote of 406 to 4.

Indeed, the labor reform which passed this House overwhelmingly in the last Congress and which is in this legislation before us today was drafted by Congressman QUINN back in 1995 with Labor's full participation, and, indeed, is exactly word for word the same labor reforms that Labor supported in the last Congress.

So if we are going to save Amtrak, if we are going to unlock the $2.3 billion needed to help save Amtrak, it is necessary, it is vital, that we keep in place the labor reforms, which this House previously overwhelmingly agreed to.

For that reason, I must oppose the amendment of my friend.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, those concerned about the cost of labor protection need to understand what the gentleman from Ohio [Mr. LATOURETTE], has said. Two thousand people were laid off by Amtrak at an average cost of slightly over $1,000, far less than the plans of most major corporations.

In terms of undoing labor reforms, what you do with the LaTourette-Traficant amendment is you say there will be no more automatic labor protection clauses, no more automatic C–2. Instead, it becomes a subject of collective bargaining, and, indeed, if they do not reach agreement, Amtrak can unilaterally do away with those labor protection clauses.

All we are asking is you treat now these railroad workers with the same ability that you treat those in the private sector. Permit them to go to collective bargaining where labor protection comes in the mix with wages and working conditions and grievance procedures. So one can be bargained away for the other, but at least the workers have something to say about that. That is why it is so important to support the LaTourette-Traficant amendment.

Mr. SHUSTER. Mr. Chairman, I want to deal with this issue of how much it costs Amtrak to lay off workers and the argument that it hasn't really cost them anything.

It begs the question. In fact, it is a red herring. The very fact that 6 years of labor protection and pay must be paid is the reason why Amtrak could not adjust their labor force and layoff anybody, because it was too costly to do so. So it is true they have not spent much money in these layoffs. The reason is they could not afford to do it because of the 6-year guarantee.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin, [Mr. PETRI], the distinguished chairman of the Subcommittee on Surface Transportation.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding me time.

I rise in opposition to the LaTourette-Traficant amendment. The amendment would gut the labor reforms in the Amtrak bill, leaving Amtrak with the onerous labor provisions that it has been saddled with for the last 26 years.

Let me be clear about what current labor requirements entail. Amtrak must pay up to 6 years of full wages and benefits to any worker who is laid off due to a route elimination or frequency reduction to below three times per week. That is right, 6 years of severance pay.

Even worse, any worker who is asked to move his or her job location more than 30 miles is eligible for the 6 years of benefits. So workers do not even have to be laid off in order to claim the 6 years of pay.

In addition, there is currently a Federal law that prevents Amtrak from contracting out any work other than foods or beverage service if it will result in the layoff of a single employee in a bargaining unit. This prohibits Amtrak from gaining any of the savings that are possible through contracting out work.

Mr. Chairman, the bill before us contains a compromise reform proposal on these two issues that was worked out in the last Congress with the full participation and support of organized labor. It is a fair compromise that allows labor and management to negotiate through the collective bargaining process the issues of labor protection and contracting out. Amtrak could agree to any terms on these issues. Federal law would not predetermine the outcome in any way. It is important to note that at the end of the bargaining process, if there were no agreement, labor would have the right to strike just as it would under any other railroad labor collective bargaining agreement.

□ 1145

Mr. Chairman, we do not require airlines to pay laid-off employees for 6 years. We do not prevent the airlines from contracting out work. Why should we do that for Amtrak?

I urge my colleagues to defeat the LaTourette amendment, pass the bill, and secure Amtrak's future.

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, like the chairman of the full committee, I have great respect for the chairman of the Subcommittee on Surface Transportation, but I would again point out that Amtrak has yet to point out one single employee who has successfully accessed the horrible 6-year severance package they are talking about.

Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the full committee,

Mr. TRAFICANT. I thank the gentleman for yielding time to me, Mr. Chairman, and I yield to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the LaTourette amendment. We have seen a pattern of trying to undermine and trying to impose incremental changes in labor agreements on this floor. Parties signed agreements. They should change the agreements in collective bargaining. It is not up to the Congress of the United States to take away labor protections. When we have the head of management saying that if these protections are removed, they are going to have very little effect upon the total package, what more do we wish? Labor and management are on the same page. Why should we rip out that page?

If we do not have this amendment, we will eliminate wage protections for displaced passenger rail employees which have been in place since 1930. Many of these workers gave up their seniority on freight railroads to come over to Amtrak when it was created. They would lose severance benefits they deserve under this bill.

Mr. Chairman, I rise in strong support of this amendment.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Georgia [Mr. COLLINS].

(Mr. COLLINS asked and was given permission to revise and extend his remarks.)

Mr. COLLINS. Mr. Chairman, I rise in opposition to the LaTourette amendment.

Mr. Chairman, I regret having to oppose my good friends from Ohio. I know we share the strong belief that the men and women who work in the trenches every day are the backbone of each and every business. It is the working men and women who are responsible for the success or failure of a company, and they should be treated fairly and allowed to reap the benefits of their successes.

At the same time, I believe working men and women must share in the responsibilities of maintaining the profitability of the companies from which they derive their livelihood. Unfortunately, I believe the LaTourette amendment would gut some of the most important provisions in the Amtrak reform legislation which Amtrak must have to survive. These are the labor provisions.

As mandated by law today, Amtrak must pay any worker up to 6 years of full wages and benefits if that worker is laid off due to route elimination, or even a reduction in frequency of service below three times a week. Even more costly for Amtrak is the provision that in the case of realignment, an employee can be paid up to 6 years of full wages and benefits if he is asked to move his job location by more than 30 miles and does not wish to do so.

Some have argued that these provisions are not important since payments for labor protection have been relatively low. However, that argument ignores the fundamental need for this legislation. The legislation will allow Amtrak for the first time to act like a business and realign routes and services to be profitable. Today this cannot be done. Why? Because Congress has required Amtrak to provide certain routes and services, whether or not they are profitable. Therefore, labor has been protected from operational changes and costs have been minimal.

However, the GAO has estimated that the total labor protection obligation of Amtrak would cost between $2 and $5 billion, up to more than five times the total annual Federal funding for Amtrak. The taxpayers simply cannot afford this. The LaTourette amendment would leave the current law on labor protection in place. If negotiations set forth under legislation fail, the current labor provisions would remain. Therefore, there would be little or no incentive to negotiate in good faith and the status quo would be maintained.

In this legislation, Congress will determine the future of passenger rail service in this country. With roads and highways becoming increasingly jammed and with regulations on air quality becoming increasingly stringent, many States are having a reviewed and renewed interest in the use of rail.

We are at a point where we have three basic choices. We may choose, first, to raise the amount of subsidy; second, to give Amtrak the opportunity to survive with the reforms provided in this legislation; or third, we can decide that passenger rail service to any great extent is not necessary or desirable in this country.

I urge my colleagues to vote against the LaTourette amendment, and vote in support of passenger rail service in the United States.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member, and a man who was born to be chairman of this committee, like the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to come back to the fundamental issue here, what is driving this issue; what are the costs that are driving the Amtrak problem.

Last year, Amtrak had a $322 million deficit, in 1996. How much of that was

caused by labor protection? About $1 million. We cannot lay all of Amtrak's problems at the feet of the working people who run the trains. Amtrak over 2 years laid off 2,000 people. It cost $2 million in labor protective costs. That does not break the back of Amtrak.

Does labor protection provisions, a requirement to pay severance costs to the laid-off workers, prevent Amtrak from shutting off rail service? No, it does not. Ask the people in Idaho, Utah, Alabama, Massachusetts, Florida. Amtrak canceled routes in all those States last year because they knew that the labor protection cost was so small, there were so few employees involved, that the effect would be negligible on savings, so they shut the routes down. We cannot lay the problems of Amtrak at the feet of working men and women.

Mr. Chairman, what does this amendment that Mr. LATOURETTE and Mr. TRAFICANT are offering do? It sets up a process by which the Railway Labor Act can function to resolve these problems. Amtrak and its labor workers can negotiate changes in labor protection and contracting out. If they fail to agree, they can go to a Presidential emergency board to ask it to make recommendations. If they still fail to agree, they can resort to usual self-help remedies. Amtrak management can lock out or impose contract terms. Labor can strike. That is all this does. We ought to support the LaTourette-Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the issue today is the collective bargaining process. By voting for Quinn, we treat Amtrak workers differently, and take away a fundamental right under American law that Congress has steadfastly supported, the right for workers with management to negotiate the salient points of the terms of their employment.

This is not about Amtrak today; this vote is about the collective bargaining process, the sanctity of that process, and the terms guaranteed within the rights to negotiate. If Members vote for the Quinn measure, they take away the right of Amtrak workers to negotiate.

The gentleman from Georgia [Mr. COLLINS] is exactly right. I do not have any more respect any greater for anybody else than for the gentleman from Georgia [Mr. COLLINS], but not once, I would say to the gentleman, has there been a severance pay by Amtrak. They negotiated it.

We cannot, Congress, save Amtrak by destroying and killing Amtrak workers. But by god, if Congress goes forward and sets the precedent today to throw out the window the gains of the collective bargaining process, Congress will have failed itself. Congress would have set a new law, a tragic law.

Let me say this, Republicans are mad, and rightfully so. Labor tried to screw them, but striking back at labor today is not what they are doing. What they are doing is turning back the clock on the rights of workers, duly assembled under our constitutional freedoms, to bargain in good faith, to negotiate and bargain in good faith.

God almighty, how can we be having this debate? There was a blue ribbon panel since the last vote, Mr. Chairman, and that blue ribbon panel says none of these labor provisions is costly or consequential to Amtrak. They do not care what we do. I say the people of America and the workers of America know what we do.

I do not think the Republicans are as unfriendly to working people as to take away a precedent of collective bargaining in this country. This is a sad day. I voted with them many times. The gentleman from New York [Mr. QUINN] has been a friend of labor. He should be very careful, because by treating Amtrak workers differently today, he negotiates a new labor type of system in America where collective bargaining and negotiation in good faith is not important to the Congress of the United States.

Shame, Congress. Shame, Congress. I ask Members to vote ''no'' on Quinn.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the enthusiasm of my good friend, the gentleman from Ohio [Mr. TRAFICANT]. But facts are stubborn things. The facts are that the legislation before us does not take away the collective bargaining rights of Amtrak employees. In fact, it puts in place the ability of the Amtrak employees and management to engage in collective bargaining. That is a fact. It is in the legislation. All the steamy rhetoric in Washington is not going to change that fact.

Beyond that, it is also significant to note that the 6-year labor protection was not something that was negotiated through collective bargaining. Ironically, the 6-year imposed labor protection was imposed by the Department of Labor, not through collective bargaining. I appreciate all the enthusiastic, steamy rhetoric about taking away collective bargaining and protecting collective bargaining, but facts are facts. The facts are just as I recited them.

Mr. QUINN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New York.

Mr. QUINN. Mr. Chairman, I just want to point out for the RECORD in the few minutes we have remaining, when we talk about collective bargaining, there is nobody in this House, I do not believe, who has fought for collective bargaining longer and harder than me. What is ironic to me is that this same bill, the identical bill of 2 years ago, which talked about collective bargaining and had the support of labor for collective bargaining, is back here again, identical as the first time.

I cannot understand for the life of me, Mr. Chairman, why we had the support and belief that it did not break contracts back then, but somehow it breaks contracts today, the exact same language. We will talk more about it in the amendment.

Mr. SHUSTER. Mr. Chairman, it is interesting that the very Members who are speaking so forcefully about the lack of collective bargaining in this voted in favor of this very legislation just in the last Congress.

Mr. Chairman, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise just briefly, not to rebut but to make a response.

□ 1200

This bill, 254 days from the date that it is going into enactment, repeals all of the labor protection statutes that are available to Amtrak workers. It creates no incentive. There was an observation made that there is no incentive there for the workers to negotiate. It creates no incentive for the Amtrak workers to negotiate, because they are all gone.

After 16 years of deferrals, wage freezes, entry level wage decreases, the Amtrak worker who just as late as 1980 made a buck-seven, less than a BART worker in San Francisco, now makes $7.39 an hour less. That is not right.

Mr. Chairman, this is the right amendment, and just because of the confusion I want to stress one thing. We need people to vote ''no'' on Quinn so we have a vote on LaTourette-Traficant.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the LaTourette-Traficant amendment to H.R. 2247, the Amtrak Reauthorization Act of 1997. My colleagues, in today's highly competitive marketplace we need to preserve labor protections and collective bargaining rights of employees and to level the playing field between the employers and employees in negotiating wages, benefits and severance payments.

The LaTourette-Traficant amendment to H.R. 2247 will level the playing field in negotiations between Amtrak and it's employees. H.R. 2247, as drafted fails to do this, it removes labor protections from workers and eliminates statutory wage protection for Amtrak employees, while claiming that it simply subjects these issues to collective bargaining. This is not good for Amtrak workers and that is not good for America in trying to preserve a national railway system for this country.

The LaTourette-Traficant amendment requires Amtrak employees to enter into collective bargaining on two provisions which are currently nonnegotiable under current law. These two provisions prohibit Amtrak from taking Federal funds, firing an employee, and contracting out work and providing protection to Amtrak employees who lost their jobs when a route is eliminated.

The LaTourette amendment requires employees to engage in bargaining with Amtrak on these two issues, just as they must bargain with Amtrak on all collective bargaining issues.

The key issue with these amendments is that these two provisions remain in place while

the bargaining continues. If Amtrak is not satisfied with the outcome of the bargaining, Amtrak may refuse to sign a contract with the employees, and the only recourse of the employees is to strike.

Amtrak has also publicly stated that all it wants is to bargain with its employees about these two issues. Privately, Amtrak President Tom Downs has said the LaTourette amendment is acceptable to him.

Porponents of the H.R. 2247 say that this amendment will hurt the financial security of Amtrak. This argument is ridiculous. The two provisions being currently debated have no bearing on Amtrak's financial future. The current bill as written eliminates labor protections and abrogates collective bargaining agreements negotiated between Amtrak and its employees, and repeals existing prohibitions on contracting out Amtrak's operation.

The contracting out provisions in the law bars Amtrak from firing a current employee and contracting out his or her job. But this provision does not really prohibit contracting out—in fact, Amtrak contracts out $10 million worth of work. The labor protections provide severance for workers who lose their jobs when a route is eliminated entirely. Since the layoff of 4,000 employees in the last 2 years, Amtrak has paid out thousands of dollars in protective benefits. Amtrak has said repeatedly that these provisions have nothing to do with its future economic security.

The LaTourette amendment is a fair, sensible compromise. I believe that this amendment reasonably protects the rights of Amtrak employees while satisfying the concerns of Amtrak. My colleagues, all the evidence highlights the continued need for labor protections and statutory wage protections between Amtrak and its employees and to secure Amtrak's future. I urge my colleagues to support the LaTourette amendment which will ensure a strong and secure future of Amtrak and its 20,000 workers.

Mr. KUCINICH. Mr. Chairman, I rise today to support the amendment by Mr. LATOURETTE and Mr. TRAFICANT, my colleagues from northern Ohio, and to honor the men and women who have built and operate the Amtrak railway system.

More than 100 years ago, it was the railroads that formed the basic infrastructure of our country—the infrastructure that enabled our economy to expand and prosper. Hundreds of thousands of dedicated workers—many of them immigrants working for low wages—gave their lives to build America's railroads. Today, railroads employees use their skills to keep the railroads safe—to move freight and passengers quickly and efficiently.

When Amtrak was founded in 1971, the Federal Government made a compact with its workers. We made a pact to treat Amtrak workers fairly, to protect the incomes of Amtrak workers who gave up jobs in higher-paying freight railroad companies. The Government promised to compensate Amtrak employees who are displaced because of the process of restructuring. This Amtrak Reform Act abandons those commitments. It eliminates essential worker protections and places arbitrary time limits on the collective bargaining process. It would lead to greater labor strife in the Amtrak system because workers would have their contract rights canceled. It would demoralize Amtrak workers, forcing them to sacrifice so the system can obtain the Federal financing that was set aside in the Balanced Budget Act. This is blatantly unfair to the people who keep Amtrak running. And it violates the public interest of our Nation.

The amendment by Mr. LATOURETTE and Mr. TRAFICANT is a fair and reasonable compromise. It balances the financial needs of Amtrak with the respect that we owe to Amtrak's dedicated employees. I commend my Ohio colleagues for proposing this measure and I urge my colleagues to support it.

Mr. PAYNE. Mr. Chairman, I rise today in opposition to the Amtrak Reform and Privatization Act because I believe it violates both worker and passenger rights and safety. The bill as it is currently written would violate the rights of Amtrak workers by eliminating wage protections and allowing the company to hire outside contractors. It has been proven that eliminating wage protection or contracting out will do little to improve the financial stability of the company. By eliminating this protection it will only prove to be helpful to Amtrak if the company is forced to lay off a large number of employees. This would be a cruel send off to many dedicated railway workers who have given the best years of their lives to help keep Amtrak going. The bill also threatens the safety of both employees and passengers from receiving the damages due to them and their families as a result of a rail accident. I represent an area of New Jersey that relies heavily on Amtrak service and Amtrak rails to provide needed public transportation to millions of people in one of the most congested areas of the country. Therefore, I cannot support this piece of legislation unless these negative provisions are taken out. I believe Representative LA TOURETTE and Representative TRAFICANT's amendment will allow employees of the rail company to have the proper and safe standards they currently rely on while still ensuring that this bill will reform Amtrak to become a stable and one day profitable company. I urge my colleagues to vote for this amendment and against the bill if the LaTourette-Traficant amendment or the Oberstar substitute is not agreed to.

Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 2 OFFERED BY MR. QUINN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LATOURETTE

Mr. QUINN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 2 offered by Mr. QUINN as a substitute for the amendment offered by Mr. LATOURETTE:

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.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 270, the gentleman from New York [Mr. QUINN] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 10 minutes.

The Chair recognizes the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am glad I was here on the floor this past Wednesday to witness the open debate that we held on H.R. 2247, which of course was the ''Amtrak Reform and Privatization Act of 1997,'' because if I had been in my office, Mr. Chairman, and watched the debate on our TV sets I would have thought that I was watching a videotape of our discussion 2 years ago in the full committee markup of this Amtrak bill.

Mr. Chairman, I heard people on the floor just a day or two ago arguing how this bill would break contracts. I heard people argue how thousands of jobs would be lost and how Amtrak would contract out all of its work and how the job loss would wreak havoc with the Railroad Retirement System.

Ironically, Mr. Chairman, those are exactly the same arguments that I used to gain support for amendments that we offered that day. Those were arguments that Members in the House used, both Democrats and Republicans, to get the compromise that we had then and the same compromise that we have this morning.

Has the House forgotten that we amended the bill that day? Have we forgotten that we won a major victory for the working men and women of the railroad that day?

Mr. Chairman, we came up with a fair compromise that would help Amtrak gain the necessary reforms it needed to survive.

I thought about that word ''Congress,'' and thought about the word ''compromise'' a little bit at the same time. I went back to the office and I got the Webster's Dictionary and looked up ''compromise.'' It said, ''A settlement of differences by arbitration or by consent reached by mutual concessions.'' Consent reached by mutual concession. Is that not what we had on this legislation the last time, consent reached by mutual concession?

Mr. Chairman, the original committee bill that I objected to would have dropped Amtrak labor protections from 6 years to 6 months, no questions asked. It would have happened. The original committee bill would have allowed Amtrak to contract out almost all of its work, no questions asked.

We put together a compromise which we offered on behalf of everybody so that we would have mutual concessions from both sides. That is the definition of a compromise, Mr. Chairman. Unfortunately, I have to rise today with this substitute to the amendment of the gentleman from Ohio [Mr. LATOURETTE], my good friend and colleague. I would have hoped that we would have been able to keep the amendment separate; however, with the rule before us, that is not going to be possible.

While I respect and admire my good friend from Ohio, his amendment would strike from the bill the compromise language that we all worked on, with

the support of labor, to protect the rights of working men and women at Amtrak.

I am a little disappointed, Mr. Chairman, with the level of some of that discussion here on the floor. We have been fighting for the survival of Amtrak for over 2 years now, and it makes everything sound that this amendment, this Quinn amendment, is all of the sudden antilabor. I respectfully disagree that I am offering an antilabor amendment today. It is a prolabor amendment that simply does this: It walls off the Amtrak employees so that we are not having any effect today on freight labor or transit labor workers in this act. Plain and simple. Otherwise, it is exactly the same.

Today's amendment would, in addition to walling off those provisions, say to our workers across the country and in our individual districts that we are going to keep Amtrak alive and well and working so that all the jobs can be retained. I am very concerned, Mr. Chairman, if we are not successful here this afternoon, where this funding for Amtrak will end up.

Mr. Chairman, we have a golden opportunity to do the right thing and to save our country's national rail passenger system today while preserving the dignity of its workers. The LaTourette amendment, by stripping out the Quinn compromise, will jeopardize that funding. The release of that money is contingent upon real Amtrak reform. What better reform is there than the compromise reform that we agreed upon in this House 406 to 4? Which Republicans, Democrats and organized labor all agreed to?

I suggest that we keep the necessary compromise reforms in this bill, strip out the unintentional effect that it could have had on freight and transit labor workers, and I ask my colleagues to support the Quinn substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, to first debunk a few myths, one is the myth of the vote of the last Congress. We had an election since then. Seventy-six new Members of Congress. We do not expect them to be retained to whatever was done by their predecessor in Congress.

Second, in the aftermath of that legislation to which senior members of rail labor signed on, there has been an election as well and those two labor leaders were defeated and replaced by new leadership who has charted a new direction for their members and said that it is not a good deal.

Third, the Quinn amendment is opposed by the AFL–CIO, the Transportation Trades Department, AFL–CIO, the United Transportation Union, the Brotherhood of Locomotive Engineers, the Transportation Communications Union, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railroad Signalmen, and the Transport Workers Union, and all other rail unions. That was set forth in a statement from the Transportation Trades Department this morning.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I want to say in response to the gentleman from New York [Mr. QUINN], my good friend, I am certainly not saying that his amendment is an anti-labor amendment. I think everybody on our side recognized the gentleman as a friend of labor. My problem with the Quinn amendment is this: It walls off freight labor, but it does nothing for the men and women who work for Amtrak.

The fact of the matter is if the Quinn amendment passes we will not have a vote on the LaTourette amendment. What that means is that all of the labor provisions that are in place 254 days after the enactment of the bill, that are in place for all the men and women who work so hard for Amtrak, will blow up. That clearly will put the management at Amtrak, which issued a memorandum to itself saying that they should be careful not to give themselves no more than a 15 percent increase, while the wages of the Amtrak employees have continued to decline.

The observation that I made in the Committee on Rules and that the gentleman from Minnesota [Mr. OBERSTAR] made on the floor the other day is exactly right. The Quinn amendment is a good amendment, but it is half a loaf. We need the whole loaf to protect the good men and women that work for Amtrak.

Mr. QUINN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee.

Mr. SHUSTER. Mr. Chairman, I rise in strong support of the Quinn amendment. I certainly would concur that new Members who were not here in the past Congress are totally free to vote however they choose. But I do believe that Members who were here and with whom we negotiated in good faith, I am quite surprised that they now would flip-flop even though we did work out a compromise.

In fact, the distinguished ranking member of the Subcommittee on Railroads said about virtually this same legislation the last time we had it before us that,

> I was initially concerned that the Amtrak employees might not be treated equitably in the bill. However, after some of the changes were made in the bill, a reasonable compromise was reached. The bill will enable Amtrak to downsize and control its costs while ensuring the fair treatment of Amtrak employees if there is a loss of jobs.

Mr. Chairman, that was their position then. The Secretary of Transportation at the time said,

> I am pleased that the labor provisions of the bill have been altered so the change will be achieved through labor-management dialog. The committee's proposed legislation is a positive contribution to the debate on how to ensure the long-term vitality of inner city transportation.

And Mr. Greg Lawler representing rail labor said at the time,

> We think this is a good compromise on Amtrak. We hope it goes forward. We like it.

This is the biggest flip-flop since Humpty Dumpty fell off the wall. This is not antilabor. This is pro-Amtrak. We are trying to save Amtrak. And at the time, talk about good faith negotiation, at the time we sat down with the Senate and tried to work out funding for Amtrak the agreement was that the $2.3 billion would be put in the reconciliation tax package for Amtrak subject to, contingent upon, real regulatory reforms, meaningful reforms taking place.

So, Mr. Chairman, if the Quinn amendment fails, then I do not believe there is going to be any bill. There is not going to be any bill because we will be in the position of not being able to fulfill our commitment that we made back at the time the $2.3 billion was made contingent upon real reform. If there is no real reform, there is not going to be any bill and there is not going to be any $2.3 billion for Amtrak, and I deeply regret that because I want to save Amtrak.

Mr. Chairman, it is crucial that we pass the Quinn amendment so we can then proceed to pass this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, in this discussion we need to talk about the important role passenger rail plays in the lives of our citizens and our economy. What this Amtrak authorization bill really is about is keeping the vital links open.

There are provisions in the authorizing bill that disregard labor agreements already agreed to by labor and management. If we are really serious about keeping Amtrak running, if we are really serious about supporting the working people of Amtrak and getting people to work, we must vote ''no'' on this Quinn amendment.

Mr. Chairman, when I served in the Florida House of Representatives we had a saying: ''Loving a bill to death.'' That is what is happening here. We are talking about how we support Amtrak and we support Amtrak workers, but we are putting provisions in here that we know are a killer to the working people of Amtrak and the men and women of this country.

Mr. Chairman, in this discussion, we need to talk about the important role passenger railroads play in the lives of our citizens and to our economy.

What this Amtrak authorization bill really is about is keeping this vital link open. There are provisions in this authorization bill that disregard labor agreements already agreed to by labor and management.

This will kill the chance for a smooth labor negotiation and create a transportation nightmare.

The LaTourette-Traficant bill adds reason and fairness to this bill. It leaves the issues of wage and contracting to the labor and management negotiators.

This amendment must be part of the bill.

The negotiators must have the ability to work out the best deal.

If we are really serious about keeping Amtrak running and getting people to work, we must vote ''yes'' on this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, the distinguished gentleman from Pennsylvania [Mr. SHUSTER] recalled my words on the floor 2 years ago, so I want to rise to that challenge. The fact is, as the chairman points out, this bill passed 406 to 4, left the House 406 to 4.

But, Mr. Chairman, I would say to my colleagues, please note, walk 100 yards down the hall to the other body. It went nowhere. One of the reasons it went nowhere is because of the provisions in this bill as well as the provisions dealing with liability restrictions.

Do we want an Amtrak bill? Do we want the trains to continue running in the Northeast corridor? Do we want to see some legislation this year? Then we have to vote against the Quinn amendment and for the LaTourette amendment.

Also, because the predictions that were made 2 years ago so eloquently in the debate about what would happen if these provisions were not included in the bill have proven not to come forth. Indeed, the so-called labor protections have resulted in less than slightly more than $1,000 per severed employee, not a great sum to Amtrak.

So for those reasons, 406 to 4, yes, out of this House and the bill then went absolutely nowhere. Stalled on a siding.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Mr. Chairman, I rise to express strong opposition to the Quinn amendment. While the Amtrak reform and privatization bill makes some vital improvements to the Nation's passenger rail system, it also includes very dangerous provisions that will hurt Amtrak's employees and passengers.

It throws Amtrak employees into the same uncertainty that faces so many other American workers today. The bill ends race protections for displaced and downgraded Amtrak workers that have been in place since the 1980's. It does away with the law protecting Amtrak employees against being replaced by contract workers without the same guarantees of wages and benefits like health care.

In my district, this provision in the bill would allow Amtrak to replace 706 workers at the Amtrak maintenance shop in Beech Grove, IN, with contract workers in other States. Taking away people's jobs is not reform. Let us not balance Amtrak's books by depriving people like the Beech Grove shop workers of their jobs.

Mr. Chairman, I urge my colleagues to support the LaTourette-Traficant amendment and to reject the Quinn amendment.

Mr. QUINN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA], a member of the full committee and a member of the Subcommittee on Railroads.

□ 1215

Mr. MICA. I thank the gentleman for yielding me the time.

Mr. Chairman, why can we not pass the same bill that this House passed last year by a vote of almost every Member of the House? I submit it is because special interests weighed in.

Here are the folks that supported the legislation last time that have now reversed their position. Special interests have weighed in.

I have a unique approach today. Let us not represent special interests. Let us represent the American taxpayer.

We heard it is not costing us anything. Let me put this in perspective. For every time someone got on an Amtrak passenger train last year, the taxpayer paid $25, $25. There were 20 million boardings. That is hundreds of millions of taxpayer dollars. So it does cost the taxpayer money. In fact, it has cost the taxpayer, since 1971, $19 billion to subsidize Amtrak.

Testimony to our committee said that we could transport people by chauffeured limousine along some of these routes at a lower cost. Why can we not make these changes? Because special interests say that if we eliminate a route, we must pay 6 years full wages and benefits.

We have tried Band-Aids. We have tried bailing wire. We have tried masking tape. I submit that the taxpayer demands that we make real reforms that fix Amtrak.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, thank God we are in the 105th Congress. That was a chart from the 104th Congress.

Specifically speaking, in subtitle 5 of title 49, section 24706, it is very clear what the language is that they are going to take out with the Quinn amendment. It says the following: Employee protective arrangements, Amtrak or a rail carrier shall provide fair and equitable arrangements to protect the interests of employees of Amtrak or a rail carrier, as the case may be, affected by the discontinuance of intercity rail passenger service.

We are talking about the preservation of rights, privileges and benefits of the employees to continuation of collective-bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of priority of employment, reemployment, et cetera, et cetera. All that we are talking about in the LaTourette amendment is to place the words at the end of that section saying, ''unless the parties agree.''

They cannot even accept that. This is antilabor. I will say it here on the floor.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, if we take away the incentive to bargain in good faith, we kill collective-bargaining, period. Every word of the Quinn amendment is in LaTourette and Traficant. If Members vote for LaTourette-Traficant, they vote for Quinn. But what is not in Quinn are basic labor protections.

I am tired of hearing about 2 years ago. Workers were willing to hurt themselves to save Amtrak. But since then there has been a blue ribbon panel that said we do not have to kill the workers. That is not the big cost factor.

Let us allow our workers to negotiate with management. Let us not set a precedent today that does kill collective-bargaining. If we do not incentivize collective-bargaining and we provide a disincentive, we kill collective-bargaining.

That is the issue today. That is the issue today. If Members are supporting Quinn, everything that Quinn says is in LaTourette and Traficant. I want Members to know that. But when they vote for Quinn, they are killing the incentive to negotiate in good faith. Let there be no mistake. That is a sad day.

H.R. 2247, the Amtrak Reform and Privatization Act of 1997, makes some much needed changes to Amtrak that will allow it to streamline its operations and cut costs.

However, as drafted the bill makes changes in current law that are unnecessary and will have a negative impact on Amtrak's employees.

The LaTourette-Traficant amendment does exactly what the Quinn substitute does: it says that freight and transit workers will not be affected by any changes made in the bill.

But the amendment goes further than Quinn: It also says that statutory provisions on labor protection and contracting out will remain in place.

Under the Quinn amendment, Amtrak workers are treated differently than freight or transit workers. Under the Quinn amendment, freight and transit workers retain the protections afforded under the current law. Amtrak workers lose that protection under the Quinn amendment.

The LaTourette-Traficant amendment affords Amtrak management and labor the opportunity to collectively bargain over these issues. The amendment allows these provisions to be altered or eliminated through the collective bargaining process.

Let's tell it like it is. Amtrak seldom, if ever, pays labor protection severance when a route is terminated. When there are job cutbacks, senior employees have rights under collective bargaining agreements to bump more junior employees holding other jobs. These junior employees are eligible for very limited protection.

Over the past 5 years, Amtrak was able to lay off more than 2,000 employees out of a work force of 23,000. The labor protection costs amounted to about $500 per employee.

Let's take a look at contracting out. H.R. 2247, also repeals the statutory prohibition on Amtrak contracting out work if it results in any Amtrak employees losing their jobs.

The fact is, current law allows Amtrak to contract out work, and every year Amtrak contracts out tens of millions of dollars of work.

Yes, in the last Congress almost an identical bill passed with over 400 votes. I supported that bill.

But a lot has changed in 2 years. A blue ribbon panel was established to review Amtrak. The panel did not find that statutory labor protection and contracting out provisions are a major factor in hindering Amtrak's performance.

Since the last Congress, we have also had more time to examine the exact costs Amtrak has incurred because of statutory labor protection and contracting out provisions. Those costs are minimal.

Passing this amendment will not, in any way, compromise the major thrust of the bill, which is to make much needed reforms to Amtrak's operations.

The LaTourette-Traficant amendment ensures that any changes to the current relationship between management and labor are mode through the collective bargaining process—not through the dictates of Congress. That's the way it should be.

Vote ''no'' on the Quinn amendment and ''yes'' on the LaTourette-Traficant amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATOURETTE], cosponsor with the gentleman from Ohio [Mr. TRAFICANT] of the underlying amendment.

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman for yielding me the time.

To amplify on what our good friend from Youngstown, OH, had to say, in 1981 Amtrak unions negotiated an agreement calling for a package of wage increases. Soon after the passage of that agreement, that contract, the unions were told by Amtrak and Members of Congress that Amtrak could not afford what the company just agreed to. The workers were told that they had to defer two-thirds of those increases.

It is now 1997, 16 years later, and that wage increase remains deferred. Amtrak workers have sacrificed for the good of Amtrak.

Again, to reiterate, the Quinn amendment, if we think of a train ride from New York City to Los Angeles, the train stops in Buffalo sadly. It does not get all the way to Los Angeles. In order to get all the way to Los Angeles, we need to reject the Quinn amendment and support LaTourette-Traficant.

The CHAIRMAN pro tempore [Mr. THORNBERRY]. The gentleman from Minnesota [Mr. OBERSTAR] has the right to close debate as he is defending the committee position on a substitute amendment.

Mr. QUINN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I would like to point out that my good friend, the gentleman from Ohio [Mr. TRAFICANT] pointed out what is needed in this bill and referred to the comments of the gentleman from Pennsylvania [Mr. SHUSTER].

If we do not enact these reforms, we are not going to have Amtrak. Maybe some Members in this House do not care about Amtrak. Maybe some Members say it does not affect them. But it does. It is an important component of our rail system that we need to pass the Quinn amendment to be able to keep this alive.

The gentleman from New York [Mr. QUINN] has worked tirelessly on these issues to help promote the common good, to try to draw Members together, to try to draw consensus. If we are to move forward with Amtrak, we need these reforms to be able to put in place the funding.

So if Members care about Amtrak, if they want to see Amtrak continue to operate, this is essential. That is the bottom line. We can talk all we want about everything else. There will not be any jobs. It will be bankrupt. It will be belly up. Those jobs will be gone. So we want these reforms enacted so we can protect it.

Mr. QUINN. Mr. Chairman, I yield myself the balance of my time. Just to close the last 30 seconds that we have, I think the point that the gentleman from New Jersey [Mr. LOBIONDO] and other speakers have made is critically important to all Members before they come over here to vote this afternoon.

We can talk about blue ribbon panels. We can talk about charges back and forth and who is for labor and who is against labor. But at the end of the day, in the next half hour, the important concept is whether or not Amtrak is able to survive.

I will submit that a vote against Quinn is a vote to contribute to the collapse of Amtrak. Support the Quinn substitute.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

I want to thank the distinguished gentleman from Ohio for his principled stand and the gentleman from Ohio [Mr. TRAFICANT] for his stand on this issue of fundamental importance to rail labor.

I have heard some very disturbing comments in the course of the debate yesterday or the day before in reference to labor bosses. Today reference to special interests. Since when are working men and women special interests? It is just a way of blurring their name, smudging their name. I resent it.

Who do you call captains of industry? Management. Fancy term. Why cannot labor be referred to in the same terms of respect?

Make no mistake about it, we support what the gentleman from New York [Mr. QUINN] is attempting to do. His concepts are incorporated into the LaTourette amendment, but we never get to the LaTourette amendment, the LaTourette-Traficant amendment, if we support Quinn. To get to the real reforms in Amtrak we need to defeat the pending amendment of the gentleman from New York in order to vote on what working men and women have said in their elections that they support as the right way to deal with labor conditions in America's passenger rail.

Let us make no mistake about it. The committee bill does this year, as it did in the last Congress, set up a process for wiping out contractual agreements freely entered into between labor and management. I would say, and in the last Congress I did support this bill because it was something I inherited, I kept the word of my predecessor.

I would not have negotiated this bill. But my father told me, what is sacred is what labor negotiates with management. You can never wipe it out. The Congress will wipe out the sacred trust between labor and management in the contract freely negotiated. Defeat the Quinn amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. QUINN] as a substitute for the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

The question was taken; and the Chairman pro tempore announced that the ayes have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any electronic vote, if ordered, on the LaTourette amendment without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 195, noes 223, not voting 16, as follows:

[Roll No. 529]

AYES—195

Aderholt	Castle	Fowler
Archer	Chabot	Franks (NJ)
Armey	Chambliss	Frelinghuysen
Bachus	Christensen	Gallegly
Baker	Coble	Ganske
Ballenger	Coburn	Gekas
Barr	Collins	Gibbons
Barrett (NE)	Combest	Gilchrest
Bartlett	Cook	Gingrich
Barton	Cooksey	Goode
Bass	Cox	Goodlatte
Bateman	Crane	Goodling
Bilbray	Cunningham	Goss
Bliley	Davis (VA)	Graham
Blunt	Deal	Granger
Boehlert	DeLay	Greenwood
Boehner	Dooley	Gutknecht
Bonilla	Doolittle	Hansen
Bono	Dreier	Hastert
Brady	Duncan	Hastings (WA)
Bryant	Dunn	Hayworth
Bunning	Ehlers	Hefley
Burr	Ehrlich	Herger
Buyer	Emerson	Hill
Calvert	Ensign	Hilleary
Camp	Everett	Hobson
Campbell	Ewing	Hoekstra
Canady	Fawell	Horn
Cannon	Foley	Hostettler
Cardin	Forbes	Houghton

Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf

NOES—223

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Bereuter
Bilirakis
Callahan
Chenoweth
Cubin
Dickey
Gonzalez
Klug
McCarthy (NY)
McIntosh
Mollohan
Payne
Rangel
Ryun
Schiff
Smith (OR)

□ 1247

The Clerk announced the following pair:

On this vote:

Mr. SMITH of Oregon for, with Mr. RANGEL against.

Ms. SLAUGHTER and Messrs. NEUMANN, TIAHRT, WELLER and METCALF, and Ms. KELLY changed their vote from ''aye'' to ''no.''

Mr. WHITFIELD and Mr. TAYLOR of Mississippi changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to address the Committee for 1 minute.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Chairman, reserving the right to object, is it the objective of the gentleman that the Committee rise at this point after his 1-minute?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, that is my objective, yes.

Mr. OBERSTAR. Mr. Chairman, further reserving the right to object, would not the regular order of business be, without this intervening 1-minute, to proceed immediately to the vote on the underlying amendment of the gentleman from Ohio (Mr. LATOURETTE)?

The CHAIRMAN pro tempore. It would be the next order of business to proceed on the vote on the LaTourette amendment, the substitute having failed.

Mr. OBERSTAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, when the Taxpayer Relief Act provided $2.3 billion for capital improvements to save Amtrak, it was contingent on enactment of meaningful labor reforms. Unfortunately by the changing, the switching votes here since that previous Congress, we find ourselves in the position where we have no meaningful reforms. Under these circumstances, we simply cannot proceed. I believe we have jeopardized the future of Amtrak's existence.

(Mr. OBERSTAR asked and was given permission to address the Committee for 1 minute.)

Mr. OBERSTAR. Mr. Chairman, I respect the statement the Chairman of our Committee has just made, but I just want to point out that the legislation providing for the $2.3 billion simply calls for a reform, no adjectives to it. The underlying LaTourette amendment is reform. We could proceed to vote on it. It would do the job and it would release the $2.3 billion. I want to make that very clear.

Mr. SHUSTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO TUESDAY, OCTOBER 28, 1997

Mr. COX of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, October 28, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Michigan [Mr. BONIOR].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 244, not voting 21, as follows:

[Roll No. 530]

AYES—168

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)