

tion, amounts appropriated shall be paid to Amtrak as follows:

- (1) 50 percent on October 1.
- (2) 25 percent on January 1.
- (3) 25 percent on April 1.

(e) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—(1) Amounts appropriated under this section remain available until expended.

(2) Amounts for capital acquisitions and improvements may be appropriated in a fiscal year before the fiscal year in which the amounts will be obligated.

(f) LIMITATIONS ON USE.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail passenger or rail freight transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 902; Pub. L. 105-134, title III, §301(a), Dec. 2, 1997, 111 Stat. 2585.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------------------------|---|
| 24104(a) | 45:601(a). | Oct. 30, 1970, Pub. L. 91-518, §601, 84 Stat. 1338; June 22, 1972, Pub. L. 92-316, §9, 86 Stat. 231; Nov. 3, 1973, Pub. L. 93-146, §12, 87 Stat. 553; Oct. 28, 1974, Pub. L. 93-496, §8, 88 Stat. 1530; May 26, 1975, Pub. L. 94-25, §10, 89 Stat. 92; Oct. 19, 1976, Pub. L. 94-555, §102(a), (b), 90 Stat. 2613; Oct. 5, 1978, Pub. L. 95-421, §§2(a), (b)(1), 3, 92 Stat. 923; Sept. 29, 1979, Pub. L. 96-73, §122(a), (b)(1), 93 Stat. 550; May 30, 1980, Pub. L. 96-254, §§208, 211, 94 Stat. 414, 415; Aug. 13, 1981, Pub. L. 97-35, §§1138, 1139(a), 1185, 95 Stat. 652, 697; Jan. 14, 1983, Pub. L. 97-468, §302(c), 96 Stat. 2550; Apr. 7, 1986, Pub. L. 99-272, §4002, 100 Stat. 106; July 6, 1990, Pub. L. 101-322, §2, 104 Stat. 295; restated Oct. 27, 1992, Pub. L. 102-533, §7(a), 106 Stat. 3517. |
| 24104(b) | 45:601(b). | |
| 24104(c) | 45:601(c). | |
| 24104(d) | 45:601(d) (3d, last sentences), (e). | |
| 24104(e)(1) .. | 45:601(d) (2d sentence). | |
| 24104(e)(2) .. | 45:601(d) (1st sentence). | |
| 24104(f) | 45:854(b)(1) (related to 45:601). | Feb. 5, 1976, Pub. L. 94-210, §704(b)(1) (related to §601), 90 Stat. 123; Jan. 14, 1983, Pub. L. 97-468, §301(4)(A), 96 Stat. 2549. |

In subsection (a)(2), before clause (A), the words “In addition to amounts that may be appropriated under section 24909 of this title” are added for clarity.

In subsection (a)(3)(B) and (C), the words “or States” are omitted because of 1:1. Before each clause (i), the words “Except as provided in clause (ii)” are omitted as surplus.

In subsection (d), before clause (1), the words “by the Secretary” and “for expenditure by it” are omitted as surplus.

In subsection (e)(2), the words “Funds appropriated pursuant to this section shall be made available to the Secretary during the fiscal year for which appropriated” are omitted as surplus.

REFERENCES IN TEXT

The enactment of the Amtrak Reform and Accountability Act of 1997, referred to in subsec. (a), probably means the date of enactment of Pub. L. 105-134, which was approved Dec. 2, 1997.

Section 3221 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 3221 of Title 26, Internal Revenue Code.

Section 24704 of this title, referred to in subsec. (b), was repealed by Pub. L. 105-134, title I, §105(a), Dec. 2, 1997, 111 Stat. 2573.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-134 amended heading and text of subsec. (a) generally. Prior to amendment, subsec. (a) related to capital acquisition and corridor development.

LIMITATION ON USE OF TAX REFUND

Pub. L. 105-134, title II, §209, Dec. 2, 1997, 111 Stat. 2584, provided that:

“(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997 [Pub. L. 105-34, 26 U.S.C. 172 note]—

“(1) for any purpose other than making payments to non-Amtrak States (pursuant to section 977(c) of that Act), or the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act); or

“(2) to offset other amounts used for any purpose other than the financing of such expenses.

“(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.”

REFORM BOARD

Pub. L. 105-134, title IV, §411(b), Dec. 2, 1997, 111 Stat. 2589, provided that: “If the Reform Board has not assumed the responsibilities of the Board of Directors of Amtrak before July 1, 1998, all provisions authorizing appropriations under the amendments made by section 301(a) of this Act [amending this section] for a fiscal year after fiscal year 1998 shall cease to be effective. The preceding sentence shall have no effect on funds provided to Amtrak pursuant to section 977 of the Taxpayer Relief Act of 1997 [Pub. L. 105-34, 26 U.S.C. 172 note].”

§ 24105. Congestion grants

(a) AUTHORITY.—The Secretary of Transportation may make grants to States, or to Amtrak in cooperation with States, for financing the capital costs of facilities, infrastructure, and equipment for high priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity rail passenger transportation.

(b) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include projects—

(1) identified by Amtrak as necessary to reduce congestion or facilitate ridership growth in intercity rail passenger transportation along heavily traveled rail corridors;

(2) identified by the Surface Transportation Board as necessary to improve the on time¹ performance and reliability of intercity rail passenger transportation under section 24308(f); and

(3) designated by the Secretary as being sufficiently advanced in development to be capable of serving the purposes described in subsection (a) on an expedited schedule.

(c) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent.

(d) GRANT CONDITIONS.—The Secretary of Transportation shall require each recipient of a

¹ So in original. Probably should be “on-time”.

grant under this section to comply with the grant requirements of section 24405 of this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from amounts made available under section 301 of the Passenger Rail Investment and Improvement Act of 2008, to the Secretary to carry out this section—

- (1) \$50,000,000 for fiscal year 2010;
- (2) \$75,000,000 for fiscal year 2011;
- (3) \$100,000,000 for fiscal year 2012; and
- (4) \$100,000,000 for fiscal year 2013.

(Added Pub. L. 110-432, div. B, title III, §302(a), Oct. 16, 2008, 122 Stat. 4947.)

REFERENCES IN TEXT

Section 301 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (e), is section 301 of Pub. L. 110-432, which enacted chapter 244 (§24401 et seq.) of this title and enacted provisions set out as a note under section 24405 of this title.

CHAPTER 243—AMTRAK

| Sec. | |
|---------|--|
| 24301. | Status and applicable laws. |
| 24302. | Board of directors. |
| 24303. | Officers. |
| 24304. | Employee stock ownership plans. |
| 24305. | General authority. |
| 24306. | Mail, express, and auto-ferry transportation. |
| 24307. | Special transportation. |
| 24308. | Use of facilities and providing services to Amtrak. |
| 24309. | Retaining and maintaining facilities. |
| 24310. | Management accountability. |
| 24311. | Acquiring interests in property by eminent domain. |
| 24312. | Labor standards. |
| 24313. | Rail safety system program. |
| [24314. | Repealed.] |
| 24315. | Reports and audits. |
| 24316. | Plan to assist families of passengers involved in rail passenger accidents. ¹ |

AMENDMENTS

2008—Pub. L. 110-432, div. A, title V, §502(b), div. B, title II, §221(b), Oct. 16, 2008, 122 Stat. 4899, 4932, added items 24310 and 24316.

1997—Pub. L. 105-134, title IV, §§403, 404, 415(a)(2), Dec. 2, 1997, 111 Stat. 2585, 2586, 2590, substituted “Employee stock ownership plans” for “Capitalization” in item 24304 and struck out item 24310 “Assistance for upgrading facilities” and item 24314 “Demonstration of new technology”.

§ 24301. Status and applicable laws

(a) STATUS.—Amtrak—

- (1) is a railroad carrier under section 20102(2)¹ and chapters 261 and 281 of this title;
- (2) shall be operated and managed as a for-profit corporation; and
- (3) is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31.

(b) PRINCIPAL OFFICE AND PLACE OF BUSINESS.—The principal office and place of business of Amtrak are in the District of Columbia. Amtrak is qualified to do business in each State in which Amtrak carries out an activity authorized under this part. Amtrak shall accept service of process by certified mail addressed to the sec-

retary of Amtrak at its principal office and place of business. Amtrak is a citizen only of the District of Columbia when deciding original jurisdiction of the district courts of the United States in a civil action.

(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11123, 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.

(d) APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.—Laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier subject to part A of subtitle IV of this title apply to Amtrak.

(e) APPLICATION OF CERTAIN ADDITIONAL LAWS.—Section 552 of title 5, this part, and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code §29-301 et seq.) apply to Amtrak. Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.

(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.

(g) NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.—A State or other law related to rates, routes, or service does not apply to Amtrak in connection with rail passenger transportation.

(h) NONAPPLICATION OF PAY PERIOD LAWS.—A State or local law related to pay periods or days for payment of employees does not apply to Amtrak. Except when otherwise provided under a collective bargaining agreement, an employee of Amtrak shall be paid at least as frequently as the employee was paid on October 1, 1979.

(i) PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak to employ a specified number of individuals to perform a particular task, function, or operation.

(j) NONAPPLICATION OF LAWS ON JOINT USE OR OPERATION OF FACILITIES AND EQUIPMENT.—Prohibitions of law applicable to an agreement for the joint use or operation of facilities and equipment necessary to provide quick and efficient rail passenger transportation do not apply to a person making an agreement with Amtrak to the extent necessary to allow the person to make and carry out obligations under the agreement.

(k) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection—

- (A) “additional tax” means a tax or fee—

¹ So in original. Does not conform to section catchline.

¹ See References in Text note below.