

In subsection (c)(4), the words “at such time and upon such terms as the articles of incorporation shall provide” are omitted as surplus.

In subsection (d)(1), the text of 45:544(c)(1) and the words “Commencing on October 1, 1981” are omitted as executed. The words “and in consideration of receiving further Federal financial assistance”, “of the United States Government”, “additional”, and “of funds” are omitted as surplus.

In subsection (d)(3), the words “required to be issued” are omitted as surplus.

Subsection (e) is substituted for 45:544(e)(2) to eliminate unnecessary words.

In subsection (f), the words “in addition to the stock authorized by subsection (a) of this section”, “securities, bonds, debentures, notes, and other”, and “as it may determine” are omitted as surplus.

Subsection (g) is substituted for 45:544(e)(1) to eliminate unnecessary words.

AMENDMENTS

1997—Pub. L. 105-134 amended section catchline and text generally, substituting provisions relating to employee stock ownership plans for provisions relating to capitalization of Amtrak.

AMTRAK STOCK

Pub. L. 105-134, title IV, § 415(b), (c), Dec. 2, 1997, 111 Stat. 2590, provided that:

“(b) REDEMPTION OF COMMON STOCK.—Amtrak shall, before October 1, 2002, redeem all common stock previously issued, for the fair market value of such stock.

“(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 [Dec. 2, 1997].

“(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.”

§ 24305. General authority

(a) ACQUISITION AND OPERATION OF EQUIPMENT AND FACILITIES.—(1) Amtrak may acquire, operate, maintain, and make contracts for the operation and maintenance of equipment and facilities necessary for intercity and commuter rail passenger transportation, the transportation of mail and express, and auto-ferry transportation.

(2) Amtrak shall operate and control directly, to the extent practicable, all aspects of the rail passenger transportation it provides.

(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.

(b) MAINTENANCE AND REHABILITATION.—Amtrak may maintain and rehabilitate rail passenger equipment and shall maintain a regional maintenance plan that includes—

(1) a review panel at the principal office of Amtrak consisting of members the President of Amtrak designates;

(2) a systemwide inventory of spare equipment parts in each operational region;

(3) enough maintenance employees for cars and locomotives in each region;

(4) a systematic preventive maintenance program;

(5) periodic evaluations of maintenance costs, time lags, and parts shortages and corrective actions; and

(6) other elements or activities Amtrak considers appropriate.

(c) MISCELLANEOUS AUTHORITY.—Amtrak may—

(1) make and carry out appropriate agreements;

(2) transport mail and express and shall use all feasible methods to obtain the bulk mail business of the United States Postal Service;

(3) improve its reservation system and advertising;

(4) provide food and beverage services on its trains only if revenues from the services each year at least equal the cost of providing the services;

(5) conduct research, development, and demonstration programs related to the mission of Amtrak; and

(6) buy or lease rail rolling stock and develop and demonstrate improved rolling stock.

(d) THROUGH ROUTES AND JOINT FARES.—(1) Establishing through routes and joint fares between Amtrak and other intercity rail passenger carriers and motor carriers of passengers is consistent with the public interest and the transportation policy of the United States. Congress encourages establishing those routes and fares.

(2) Amtrak may establish through routes and joint fares with any domestic or international motor carrier, air carrier, or water carrier.

(3) Congress encourages Amtrak and motor 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.

(e) RAIL POLICE.—Amtrak may employ rail police to provide security for rail passengers and property of Amtrak. Rail police employed by Amtrak who have complied with a State law establishing requirements applicable to rail police or individuals employed in a similar position may be employed without regard to the law of another State containing those requirements.

(f) DOMESTIC BUYING PREFERENCES.—(1) In this subsection, “United States” means the States, territories, and possessions of the United States and the District of Columbia.

(2) Amtrak shall buy only—

(A) unmanufactured articles, material, and supplies mined or produced in the United States; or

(B) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and sup-

plies mined, produced, or manufactured in the United States.

(3) Paragraph (2) of this subsection applies only when the cost of those articles, material, or supplies bought is at least \$1,000,000.

(4) On application of Amtrak, the Secretary of Transportation may exempt Amtrak from this subsection if the Secretary decides that—

(A) for particular articles, material, or supplies—

(i) the requirements of paragraph (2) of this subsection are inconsistent with the public interest;

(ii) the cost of imposing those requirements is unreasonable; or

(iii) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; or

(B) rolling stock or power train equipment cannot be bought and delivered in the United States within a reasonable time.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 909; Pub. L. 105-134, title I, §107, Dec. 2, 1997, 111 Stat. 2573.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24305(a)(1) ..	45:545(a) (1st sentence 1st-32d words, words after last semicolon).	Oct. 30, 1970, Pub. L. 91-518, §305(a) (1st, 2d sentences), 84 Stat. 1332; June 22, 1972, Pub. L. 92-316, §2(1), (2), 86 Stat. 228; Nov. 3, 1973, Pub. L. 93-146, §4, 87 Stat. 549; Aug. 13, 1981, Pub. L. 97-35, §1188(b), 95 Stat. 699.
	45:545(b) (4th sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(b) (4th sentence); added June 22, 1972, Pub. L. 92-316, §2(3), 86 Stat. 228; Nov. 3, 1973, Pub. L. 93-146, §5, 87 Stat. 550.
	45:545(e)(5).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(e)(1)-(6); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 551.
24305(a)(2) ..	45:545(a) (2d sentence).	
24305(b)	45:545(e)(2). 45:545(g).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(g); added Oct. 28, 1974, Pub. L. 93-496, §3, 88 Stat. 1527; re-stated Sept. 29, 1979, Pub. L. 96-73, §§106, 107, 93 Stat. 539, 540.
24305(c)(1) ..	45:851(a)(2).	Feb. 5, 1976, Pub. L. 94-210, §701(a)(2), 90 Stat. 119.
24305(c)(2) ..	45:545(a) (1st sentence 33d word-1st semicolon). 45:545a.	Oct. 5, 1978, Pub. L. 95-421, §19, 92 Stat. 930.
24305(c)(3) ..	45:545(e)(1).	
24305(c)(4) ..	45:545(n).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(n); added Aug. 13, 1981, Pub. L. 97-35, §1177(a), 95 Stat. 692.
24305(c)(5) ..	45:545(a) (1st sentence words between 1st and last semicolons), (e)(3).	
24305(c)(6) ..	45:545(e)(4), (6).	
24305(d)	45:546(j).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(j); added Oct. 19, 1976, Pub. L. 94-555, §106, 90 Stat. 2615; Sept. 29, 1979, Pub. L. 96-73, §112(b), 93 Stat. 541.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24305(e)	45:545(j).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(j); added Oct. 19, 1976, Pub. L. 94-555, §104, 90 Stat. 2615; Sept. 29, 1979, Pub. L. 96-73, §§106, 108, 93 Stat. 539, 540.
24305(f)	45:545(k).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(k); added Oct. 5, 1978, Pub. L. 95-421, §10, 92 Stat. 928; Sept. 29, 1979, Pub. L. 96-73, §§106, 109, 93 Stat. 539, 540.

In subsection (a)(1), the text of 45:545(e)(5) is omitted as obsolete. The words “acquire, operate, maintain, and make contracts for the operation and maintenance of” are substituted for “own, manage, operate, or contract for the operation of”, “acquire by construction, purchase, or gift, or to contract for the use of”, “acquire, lease, modify, or develop”, and “or to enter into contracts for the provision of such service” to eliminate unnecessary words. The word “physical” is omitted as surplus. The words “intercity and commuter trains” are omitted as being included in “equipment”. The words “the transportation of mail and express” are substituted for “mail, express . . . service” for consistency in this chapter.

In subsection (b), before clause (1), the words “service” and “repair” are omitted as surplus. The words “not later than January 1, 1980” are omitted as executed. In clause (1), the words “principal office of Amtrak” are substituted for “corporate headquarters” for clarity and consistency. In clauses (3) and (4), the words “establishment of” are omitted as executed.

In subsection (c)(1), the words “contracts and” and “necessary or . . . in the conduct of its functions” are omitted as surplus.

In subsection (c)(2), the words “on such trains” in 45:545(a), and the words “including taking into account the needs of the United States Postal Service in establishing schedules” and “and service” in 45:545a, are omitted as surplus.

In subsection (c)(4), the text of 45:545(n) (1st sentence) and the words “Beginning October 1, 1982” are omitted as executed.

In subsection (d)(1), the words “rail passenger carriers” are substituted for “common carriers of passengers by rail” for consistency in the revised title. The words “establishing those routes and fares” are substituted for “the making of such arrangements” for clarity.

In subsection (e), the words “and protection” and “licensing, residency, or related” are omitted as surplus.

In subsection (f)(1), the words “several” and “the Commonwealth of Puerto Rico” are omitted as surplus. In subsection (f)(2), the words “Except as provided in paragraph (2) or (3) of this subsection”, “which have been”, “all”, and “as the case may be” are omitted as surplus.

In subsection (f)(3), the text of 45:545(k)(4)(B) is omitted as executed.

In subsection (f)(4)(A) and (B), the words “the purchase of” are omitted as surplus.

In subsection (f)(4)(A)(i), the words “imposing” and “with respect to such articles, materials, and supplies” are omitted as surplus.

AMENDMENTS

1997—Subsec. (a)(3). Pub. L. 105-134, §107(a), added par. (3).

Subsec. (d)(3). Pub. L. 105-134, §107(b), added par. (3).

AMTRAK SECURITY EVALUATION AND DEVELOPMENT OF PROCEDURES FOR FIREARM STORAGE AND CARRIAGE IN CHECKED BAGGAGE CARS AND STATIONS

Pub. L. 111-117, div. A, title I, §159, Dec. 16, 2009, 123 Stat. 3061, as amended by Pub. L. 111-212, title III, §3009, July 29, 2010, 124 Stat. 2340, provided that:

“(a) AMTRAK SECURITY EVALUATION.—No later than 180 days after the enactment of this Act [Dec. 16, 2009], Amtrak, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall submit a report to Congress that contains—

“(1) a comprehensive, system-wide, security evaluation; and

“(2) proposed guidance and procedures necessary to implement a new checked firearms program.

“(b) DEVELOPEMENT AND IMPLEMENTATION OF GUIDANCE AND PROCEDURES.—

“(1) IN GENERAL.—Not later than one year after the enactment of this Act [Dec. 16, 2009], Amtrak, in consultation with the Assistant Secretary, shall develop and implement guidance and procedures to carry out the duties and responsibilities of firearm storage and carriage in checked baggage cars and at Amtrak stations that accept checked baggage.

“(2) SCOPE.—The guidance and procedures developed under paragraph (1) shall—

“(A) permit Amtrak passengers holding a ticket for a specific Amtrak route to place an unloaded firearm or starter pistol in a checked bag on such route if—

“(i) the Amtrak station accepts checked baggage for such route;

“(ii) the passenger declares to Amtrak, either orally or in writing, at the time the reservation is made or not later than 24 hours before departure, that the firearm will be placed in his or her bag and will be unloaded;

“(iii) the firearm is in a hard-sided container;

“(iv) such container is locked; and

“(v) only the passenger has the key or combination for such container;

“(B) permit Amtrak passengers holding a ticket for a specific Amtrak route to place small arms ammunition for personal use in a checked bag on such route if the ammunition is securely packed—

“(i) in fiber, wood, or metal boxes; or

“(ii) in other packaging specifically designed to carry small amounts of ammunition; and

“(C) include any other measures needed to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including—

“(i) requiring inspections of any container containing a firearm or ammunition; and

“(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.

“(c) DEFINITIONS.—

“(1) [sic] For purposes of this section, the term ‘checked baggage’ refers to baggage transported that is accessible only to select Amtrak employees.”

GENERAL SERVICES ADMINISTRATION SERVICES

Pub. L. 110-432, div. B, title II, §218(b), Oct. 16, 2008, 122 Stat. 4930, provided that: “Amtrak may obtain from the Administrator of General Services, and the Administrator may provide to Amtrak, services under sections 502(a) and 602 of title 40, United States Code.”

Pub. L. 106-554, §1(a)(4) [div. A, §1110], Dec. 21, 2000, 114 Stat. 2763, 2763A-202, provided that: “Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) [now 40 U.S.C. 502, 602, 603(a)(1)] for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.”

RAIL AND MOTOR CARRIER PASSENGER SERVICE

Pub. L. 105-134, title I, §108, Dec. 2, 1997, 111 Stat. 2574, provided that:

“(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a)(3) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

“(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

“(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

“(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.”

EDUCATIONAL PARTICIPATION

Pub. L. 105-134, title IV, §412, Dec. 2, 1997, 111 Stat. 2589, provided that: “Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.”

§ 24306. Mail, express, and auto-ferry transportation

(a) ACTIONS TO INCREASE REVENUES.—Amtrak shall take necessary action to increase its revenues from the transportation of mail and express. To increase its revenues, Amtrak may provide auto-ferry transportation as part of the basic passenger transportation authorized by this part.

(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 910; Pub. L. 105-134, title I, §102, Dec. 2, 1997, 111 Stat. 2572.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24306(a)	45:545(b) (1st, 2d sentence words before 2d comma, last sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(b) (1st-3d, last sentences); added June 22, 1972, Pub. L. 92-316, §2(3), 86 Stat. 228; Nov. 3, 1973, Pub. L. 93-146, §5, 87 Stat. 549.
24306(b)(1) ..	45:545(b) (2d sentence words after 2d comma).	
24306(b)(2) ..	45:545(b) (3d sentence).	
24306(b)(3) ..	45:546(h).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(h); added Nov. 3, 1973, Pub. L. 93-146, §7, 87 Stat. 551.

In subsection (a), the words “and to better accomplish the purposes of this chapter” and “modify its services to” are omitted as surplus. The words “a department, agency, or instrumentality of the United States Government” are substituted for “Federal departments and agencies” for consistency in the revised title and with other titles of the United States Code. The words “consistent with the provisions of existing law” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “A person primarily providing auto-ferry transportation and any other person not a rail carrier may provide” are substituted for “except that nothing contained in this chapter shall prevent any other person, other than a railroad (except that for purposes of this section a