

Subsec. (d). Pub. L. 117-58, §22205(4), inserted “, maintaining, and updating” after “defining” in introductory provisions.

Subsec. (e). Pub. L. 117-58, §22205(5), amended subsec. (e) generally. Prior to amendment, subsec. (e) related to implementation of account structures and improvements and reporting of updated profit and loss statements for each of business lines and asset categories to Secretary.

Subsecs. (h), (i). Pub. L. 117-58, §22205(6), (7), redesignated subsec. (i) as (h) and struck out former subsec. (h). Prior to amendment, text of subsec. (h) read as follows: “Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall submit to the Secretary a report assessing the account and reporting structure established under this section and providing any recommendations for further action. Not later than 180 days after the date of receipt of such report, the Secretary shall provide an assessment that supplements Amtrak’s report and submit the Amtrak report with the supplemental assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

§ 24318. Costs and revenues

(a) ALLOCATION.—Amtrak shall establish and maintain internal controls to ensure Amtrak’s costs, revenues, and other compensation are appropriately allocated to the Northeast Corridor, including train services or infrastructure, or the National Network, including proportional shares of common and fixed costs.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(c) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(Added Pub. L. 114-94, div. A, title XI, §11202(a), Dec. 4, 2015, 129 Stat. 1628; amended Pub. L. 117-58, div. B, title II, §22206(a), Nov. 15, 2021, 135 Stat. 700.)

Editorial Notes

REFERENCES IN TEXT

Section 209 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (b), is section 209 of div. B of Pub. L. 110-432, which is set out as a note under section 24101 of this title.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58 struck out “Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015,” before “Amtrak”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

§ 24319. Grant process and reporting

(a) PROCEDURES FOR GRANT REQUESTS.—The Secretary of Transportation shall—

(1) establish and maintain substantive and procedural requirements, including schedules, for grant requests under this section; and

(2) report any changes to such procedures to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(b) GRANT REQUESTS.—Amtrak shall transmit to the Secretary a grant request annually, or as additionally required, for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak.

(c) CONTENTS.—

(1) IN GENERAL.—Each grant request under subsection (b) shall, as applicable—

(A) categorize and identify, by source, the Federal funds and program income that will be used for the upcoming fiscal year for each of the Northeast Corridor and National Network in 1 of the categories or subcategories set forth in paragraph (2);

(B) describe the operations, services, programs, projects, and other activities to be funded within each of the categories set forth in paragraph (2), including—

(i) the estimated scope, schedule, and budget necessary to complete each project and program; and

(ii) the performance measures used to quantify expected and actual project outcomes and benefits, aggregated by fiscal year, project milestone, and any other appropriate grouping; and

(C) describe the status of efforts to improve Amtrak’s safety culture.

(2) GRANT CATEGORIES.—

(A) OPERATING EXPENSES.—Each grant request to use Federal funds for operating expenses shall—

(i) include estimated net operating costs not covered by other Amtrak revenue sources;

(ii) specify Federal funding requested for each service line described in section 24320(b)(1); and

(iii) be itemized by route.

(B) DEBT SERVICE.—A grant request to use Federal funds for expenses related to debt, including payment of principle and interest, as allowed under section 205 of the Passenger Rail Investment and Improvement Act of

2008 (Public Law 110-432; 49 U.S.C. 24101 note).

(C) CAPITAL.—A grant request to use Federal funds and program income for capital expenses shall include capital projects and programs primarily associated with—

(i) normalized capital replacement programs, including regularly recurring work programs implemented on a systematic basis on classes of physical railroad assets, such as track, structures, electric traction and power systems, rolling stock, and communications and signal systems, to maintain and sustain the condition and performance of such assets to support continued railroad operations;

(ii) improvement projects to support service and safety enhancements, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that result in enhanced or new infrastructure, equipment, or facilities;

(iii) backlog capital replacement projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that primarily replace or rehabilitate major infrastructure assets, including tunnels, bridges, stations, and similar assets, to reduce the state of good repair backlog on the Amtrak network;

(iv) strategic initiative projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that primarily improve overall operational performance, lower costs, or otherwise improve Amtrak's corporate efficiency; and

(v) statutory, regulatory, or other legally mandated projects, including discrete projects implemented in accordance with a fixed scope, schedule, and budget that enable Amtrak to fulfill specific legal or regulatory mandates.

(D) CONTINGENCY.—A grant request to use Federal funds for operating and capital expense contingency shall include—

(i) contingency levels for specified activities and operations; and

(ii) a process for the utilization of such contingency.

(3) MODIFICATION OF CATEGORIES.—The Secretary of Transportation and Amtrak may jointly agree to modify the categories set forth in paragraph (2) if such modifications are necessary to improve the transparency, oversight, or delivery of projects funded through grant requests under this section.

(d) REVIEW AND APPROVAL.—

(1) THIRTY-DAY APPROVAL PROCESS.—

(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a complete grant request under this section, the Secretary of Transportation shall finish a review of the request and provide notice to Amtrak that—

(i) the request is approved; or
 (ii) the request is disapproved, including the reason for the disapproval and an explanation of any deficient items.

(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak.

(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of a notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary's review.

(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

(e) PAYMENTS TO AMTRAK.—

(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, programs, projects, and other activities to be funded by the grant, consistent with the categories required for Amtrak in a grant request under subsection (c)(1)(A). The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak's performance and ensure accountability in delivering the operations, services, programs, projects, and other activities to be funded by the grant.

(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

(A) 50 percent on October 1.

(B) 25 percent on January 1.

(C) 25 percent on April 1.

(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

(A) using an otherwise allowable approach to the method prescribed for a specific project or category of projects under paragraph (2) if the Secretary and Amtrak agree that a different payment method is necessary to more successfully implement and report on an operation, service, program, project, or other activity;

(B) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

(C) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain

available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

(g) **LIMITATIONS ON USE.**—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.

(h) **APPLICABLE LAWS AND REGULATIONS.**—

(1) **SINGLE AUDIT ACT OF 1984.**—Notwithstanding section 24301(a)(3) of this title and section 7501(a)(13) of title 31, Amtrak shall be deemed a “non-Federal entity” for purposes of chapter 75 of title 31.

(2) **REGULATIONS AND GUIDANCE.**—The Secretary of Transportation may apply some or all of the requirements set forth in the regulations and guidance promulgated by the Secretary relating to the management, administration, cost principles, and audit requirements for Federal awards.

(i) **AMTRAK GRANT REPORTING.**—The Secretary of Transportation shall determine the varying levels of detail and information that will be included in reports for operations, services, program, projects, program income, cash on hand, and other activities within each of the grant categories described in subsection (c)(2).

(j) **DEFINITION OF NORTHEAST CORRIDOR.**—Notwithstanding section 24102, for purposes of this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(Added Pub. L. 114–94, div. A, title XI, § 11202(a), Dec. 4, 2015, 129 Stat. 1628; amended Pub. L. 115–420, § 4(b)(1), Jan. 3, 2019, 132 Stat. 5444; Pub. L. 117–58, div. B, title II, § 22206(b), Nov. 15, 2021, 135 Stat. 700.)

Editorial Notes

REFERENCES IN TEXT

Section 205 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (c)(2)(B), is section 205 of div. B of Pub. L. 110–432, which is set out as a note under section 24101 of this title.

Single Audit Act of 1984, referred to in subsec. (h)(1), is Pub. L. 98–502, Oct. 19, 1984, 98 Stat. 2327, which enacted chapter 75 (§ 7501 et seq.) of Title 31, Money and Finance, and provisions set out as notes under section 7501 of Title 31. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 7501 of Title 31 and Tables.

AMENDMENTS

2021—Pub. L. 117–58, § 22206(b)(1), inserted “and reporting” after “process” in section catchline.

Subsec. (a). Pub. L. 117–58, § 22206(b)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: “Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.”

Subsec. (b). Pub. L. 117–58, § 22206(b)(3), substituted “a grant request annually, or as additionally required,” for “grant requests”.

Subsec. (c). Pub. L. 117–58, § 22206(b)(4), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to contents of grant request.

Subsec. (d)(1)(A). Pub. L. 117–58, § 22206(b)(5)(A), (B), inserted “complete” after “submits a” and substituted “shall finish” for “shall complete” in introductory provisions.

Subsec. (d)(1)(A)(ii). Pub. L. 117–58, § 22206(b)(5)(C), struck out “incomplete or” before “deficient items”.

Subsec. (e)(1). Pub. L. 117–58, § 22206(b)(6)(A), substituted “programs, projects, and other activities to be funded by the grant, consistent with the categories required for Amtrak in a grant request under subsection (c)(1)(A)” for “and other activities to be funded by the grant” and “programs, projects, and other activities” for “or activities”.

Subsec. (e)(3)(A) to (C). Pub. L. 117–58, § 22206(b)(6)(B), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsecs. (h) to (j). Pub. L. 117–58, § 22206(b)(7), (8), added subsecs. (h) and (i) and redesignated former subsec. (h) as (j).

2019—Subsec. (c)(4). Pub. L. 115–420 added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

CONSTRUCTION OF 2019 AMENDMENT

Pub. L. 115–420, § 4(b)(2), Jan. 3, 2019, 132 Stat. 5444, provided that: “Nothing in this subsection [amending this section] or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act [Jan. 3, 2019].”

§ 24320. Amtrak 5-year service line and asset line plans

(a) **IN GENERAL.**—

(1) **FINAL PLANS.**—Not later than February 15, 2020, and biennially thereafter, Amtrak shall submit to Congress and the Secretary of Transportation final 5-year service line plans and 5-year asset line plans prepared in accordance with this section. These final plans shall form the basis for Amtrak’s general and legislative annual report to the President and Congress required by section 24315(b). Each plan shall cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed. During each year in which Amtrak is not required to submit a plan under this paragraph, Amtrak shall submit to Congress updated financial sources and uses statements and forecasts with the annual report required under section 24315(b).

(2) **FISCAL CONSTRAINT.**—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset line plan required under subsection (c) that describes any funding needs in excess of amounts authorized or otherwise available to Amtrak in a fiscal year.

(b) **AMTRAK 5-YEAR SERVICE LINE PLANS.**—