

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8692
OFFERED BY MR. NEHLS OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “The Amtrak Trans-
3 parency and Accountability for Passengers and Taxpayers
4 Act”.

5 SEC. 2. OPEN MEETINGS.

6 Section 24301(e) of title 49, United States Code, is
7 amended—

8 (1) by striking “Section 552 of title 5, this
9 part” and inserting the following:

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (3), sections 552 and 552b of title 5, this
12 part”;

13 (2) in the second sentence by striking “Section
14 552 of title 5, United States Code, applies” and in-
15 serting the following:

16 “(2) TIMING OF APPLICATION.—Except as pro-
17 vided in paragraph (3), sections 552 and 552b of
18 title 5 apply”; and

1 (3) by adding at the end the following:

2 “(3) SCOPE OF APPLICATION.—

3 “(A) INFORMATION.—The requirements of
4 the second sentence of section 552b(b) of title
5 5 shall not apply to any portion of an Amtrak
6 meeting and subsections (d) and (e) of section
7 552b of title 5 shall not apply to any informa-
8 tion pertaining to any portion of an Amtrak
9 meeting otherwise required by section 552b of
10 title 5 to be disclosed to the public in any case
11 in which Amtrak properly determines that such
12 portion or portions of the meeting or the disclo-
13 sure of such information is likely to involve—

14 “(i) contract negotiations, including
15 negotiations for contract procurements and
16 agreements, the disclosure of which would
17 imperil or compromise the competitive po-
18 sition of Amtrak;

19 “(ii) collective bargaining agreements
20 or any terms and conditions that are pro-
21 posed for inclusion in any collective bar-
22 gaining agreement, including the negotia-
23 tion of terms and conditions with employ-
24 ees or representatives of employees of Am-
25 trak; and

1 “(iii) with respect to any individual
2 who is a prospective officer, employee, or
3 contractor or an officer, employee, or con-
4 tractor employed or appointed by Amtrak,
5 matters involving the employment, appoint-
6 ment, termination of employment, terms
7 and conditions of employment, evaluation
8 of the performance of, promotion or dis-
9 ciplining of any such individual, unless all
10 such individuals whose rights could be ad-
11 versely affected request in writing that the
12 matter or matters be discussed at a public
13 meeting.

14 “(B) ADDITIONAL APPLICATION.—In addi-
15 tion to the information described in subpara-
16 graph (B), the information described in section
17 552b(c) shall apply to Amtrak meetings.”.

