

That is where we find ourselves right now with regard to the issue of the tax extender legislation. We have a bill that impacts a broad range of Americans; 24 million Americans will be subject to the alternative minimum tax if Congress does not act. We have energy tax extenders that put in jeopardy lots of investment in renewable energy sources such as wind and solar. We have students who are affected because of a student loan provision, teachers who are affected by a teacher deduction that is allowed for expenses. We have the rural schools' fix included. All these things will be impacted if Congress fails to act.

Where we are with regard to that is, the Senate has passed a bill with 93 votes that we have sent to the House. The House is now trying to send that back, broken up in different ways and with different sorts of offsets.

The point is, we have to get it done. We have to look at what the traffic will bear. We have done everything we can in the Senate. When I was a Member of the House, I used to gripe about the Senate and its rules. Why can't we send things over there and get them done in a timely way?

The reality is, to get anything comprehensive done and anything consequential, it takes 60 votes. Already it is clear we will not be able to get 60 votes. We voted on this issue numerous times in the Senate. We voted on it repeatedly, the very provisions the House is trying to get us to adopt, without success.

In fact, last week we voted. We only got 53 votes in the Senate out of the 60 that are necessary. So it seems, to me at least, we are at a point where we flat have to get this done. It is no substitute for a comprehensive energy bill, but it is the least we can do. If the least we can do is the best we can do, we ought to do at least the best we can do, which is to pass these energy tax extenders and get some of this investment in energy technologies that would help us toward our goal of energy independence and reducing carbon emissions.

I urge our colleagues on the House side to accept this bill. It is a signable bill. It is very clear we have done everything we can in the Senate with repeated votes. The proposal the House has put forward is not going to move in the Senate, and we have a very short clock to work with here in order to get something done. It should not be a question of the political winners and losers. It ought to be about the American economy and the American people. We need to do something that is a winner for them, and that ought to be moving this piece of legislation in the House. It has 93 votes in the Senate. It is there. It is awaiting action.

It is absolutely clear the proposal they have sent here cannot secure the necessary votes to move. That bill that is over there will be signed by the President. It moves us in a direction of energy independence and puts some en-

ergy policy in place that is important to the future of this country, as well as all the other tax provisions I mentioned, including preventing 24 million American families from being hit by the alternative minimum tax at the end of the year. So I hope, again, this legislation will pass. I urge my colleagues on the House side to take it up and pass the Senate bill.

Mr. President, I yield back the remainder of my time.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2095, which the clerk will report.

The legislative clerk read as follows:

Message from the House of Representatives to accompany H.R. 2095, entitled an Act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

Pending:

Reid amendment No. 5677 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date.

Reid amendment No. 5678 (to amendment No. 5677), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 will be controlled by the Republican leader, and the time from 12:15 until 12:30 will be controlled by the majority leader.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about the rail safety and Amtrak authorization bill. This is a bill that I think will move forward a major alternative option for our passengers and for the mobility of our country—Amtrak.

Most people think of Amtrak as the Northeast corridor, and going from Boston all the way through New York and Washington and on down through Florida. That is a very important route. In fact, that route has more than 2,600 trains operating every day. So it is a major part of our transportation infrastructure in what is called the Northeast corridor.

However, we have a national system for Amtrak as well. It is a national system that goes, of course, down the east coast, as I mentioned, but it also goes down the west coast. It goes all the way up and down the west coast. It has lines that go across the top of our country, across the bottom of our country east to west, and right down the middle, what is called the Texas

Eagle, which goes from Chicago, down through St. Louis, down into Texas, and across to San Antonio, where it meets the Sunset Limited, which goes from California to Florida.

So we have the skeleton of a national system. It is a system we must preserve. It is a system that has become more and more of an option as gasoline prices have increased. We saw how many people went to train use after 9/11, when the aviation industry was shut down. It is something we must support and keep.

Now we are increasing ridership every year. During fiscal year 2007, 25.8 million passengers, representing the fifth straight fiscal year of record ridership, boarded Amtrak. Ridership is up 7 percent more over this time last year, as people have gone to the trains because of the high gasoline prices.

This bill authorizes \$2.6 billion annually over 5 years. It authorizes that amount. In Congress we authorize, and then the appropriations come later on an annual basis. And \$2.6 billion would be the ceiling for the next 5 years for Amtrak. But to put this in perspective, when we are talking about alternatives in our transportation system, we have authorized, in SAFETEA-LU, the highway authorization bill, \$40 billion. The FAA bill, introduced in this Congress, proposes to invest \$17 billion annually in aviation. Last year we passed a Water Resources Development Act authorizing \$23 billion over the next 2 years.

We are talking about \$13 billion over 5 years—\$2.6 billion each year, which is the very least of the authorizations of any of our transportation systems. If included with the number of passengers served by our aviation industry, in 2007, Amtrak would rank eighth in the number of passengers served, with a market share of right at 4 percent. There are nearly twice as many passengers on an Amtrak train as on a domestic airline flight.

So we have crafted a bill—and I have to tell you honestly, this is not my bill. Actually, it started with Trent Lott. Senator LAUTENBERG on the majority side now has continued to be a leader in this field. I support the bill FRANK LAUTENBERG and Trent Lott negotiated because it is right for our country. I have always said, for me, Amtrak is national or nothing.

There was a time in this Congress when nobody ever talked national. They only talked about saving the Northeast corridor. Of course, that is the rail line that is owned by Amtrak. The other rail lines mostly are not separated, although I would like to see that changed. But we are using freight rail, and we are at the behest of the freight rail lines. So it is not as efficient. But it is very important we keep those relationships and work toward having the separate lines on those rail rights of way. Today, we are talking about a national system.

There was a time when we only talked about the Northeast corridor.

But many of us who are on the national lines, who have been supportive of the Northeast corridor, said: Wait a minute. We cannot create a stepchild in the rest of the country. If my taxpayers in Texas and Trent Lott's taxpayers—now THAD COCHRAN's and ROGER WICKER's taxpayers—are subsidizing Amtrak in the Northeast corridor, we want to have a chance at the national system because it has so much potential to work with States and cities to use mass transit systems that feed into the national system, and it will help all of us with mobility. In fact, all of those who support the Northeast corridor have been very supportive also of the national system.

We have had a partnership in Congress for the last 10 years that I have been here to make sure we are making Amtrak financially responsible with the least amount of Federal help of any of the transportation modes. Highways are \$40 billion a year. We are \$2.6 billion a year. So we have a bill that has been crafted, I think, in the very most responsible way. I recommend it, and I appreciate very much the opportunity to take this bill as we have crafted it, with a lot of give and take, and recommend to the Congress and the Senate we pass it today.

Mr. President, I wish to yield up to 5 minutes to the distinguished senior Senator from the Acting President pro tempore's home Commonwealth of Virginia, one who I have to say has been a longtime supporter of Amtrak and has been such a leader in this Congress. This is his last term in Congress. He has decided not to seek reelection. He is someone who has been a leader not only on Amtrak but certainly on our military affairs for our country, the man whom we call the squire, the senior Senator from Virginia.

The ACTING PRESIDENT pro tempore. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I thank my long-time friend and colleague in the Senate, the Senator from Texas. For so many reasons she is a real leader on our team, on the team of leadership.

But how many times, if I might ask the Senator from Texas, have you taken this bill to the floor of the Senate on behalf of Amtrak, rail safety, Metro? Would you mind telling us how many times?

Mrs. HUTCHISON. I say to Senator WARNER, thank you. It is my pleasure to have supported Amtrak from the day I walked in the door 15 years ago. I think the partnership between the Northeast corridor supporters of Amtrak and the rest of the country supporters has created a much stronger system. We are seeing that in the ridership. I think if we make the commitment to Amtrak we make to the other modes of transportation, it will be better for our whole country and give more options to the people of our country.

Mr. WARNER. Mr. President, I recognize that great contribution, but I wanted it a part of the RECORD.

I say to my long-time friend, Mr. LAUTENBERG, the distinguished senior Senator from New Jersey, I hope in your remarks you will recite how many times you have gone to the floor on behalf of people seeking the needs of not only Amtrak but the rail safety and the Metro funds which are in this bill this time.

These two Senators have been the engine on this very important piece of legislation. The distinguished Acting President pro tempore and I are proud to represent Virginia, one of the beneficiaries of this system. But I have also tried through my many years in the Senate to have a voice for the District of Columbia.

This Amtrak as well as the Metro funds in here are the pulse beat, the arteries which feed the Nation's Capital. Some 40 to 50 of the various Government agencies serving our Nation are accessed with Amtrak. I say to my colleagues in the Senate, all 100 Senators—all 100 Senators—have staff members and the families of staff, and ourselves, who very often utilize the Metro system and indeed access part of the Amtrak system. This is a 10-year funding for the Metro for capital improvement and operating.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mrs. HUTCHISON. Mr. President, I wish to say on that point, the distinguished senior Senator from Virginia has mentioned how important the Metro part of it is. I think he has represented so well the interests of all the people who live and work in Virginia, Maryland, and the District of Columbia.

It also applies, I would expand, to the visitors to our capital because the rail line on Amtrak that goes from Baltimore Airport to the District, our capital, and from Washington National Airport to our capital, has been so helped by having this kind of service from Amtrak at National Airport or Baltimore to be able to get on that train and come visit our capital. That is a mode of transportation that is used by the millions of visitors who come to visit our capital.

This is part of the mobility we provide to people who bring their families here. It is the most efficient and least costly way to get into the District to show children the opportunity to see our capital. I appreciate the senior Senator from Virginia pointing out that this is part of our responsibility.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to add that this system, the Metro system, is a feeder to the Amtrak. It was started in 1960 under President Eisenhower. Each year, the Congress has been a supporter of this system. But key to this—and I compliment my colleagues in the House, Congressmen MORAN and DAVIS—are the matching funds from each State, so the portion of authorization we seek for Metro in

this would be matched by the several States and the District of Columbia.

Mr. President, I intend to cast a "yea" vote on cloture on the motion to concur with the House amendment to the Railway Safety-Amtrak bill. I believe this legislative package is critical for so many reasons.

Of highest importance to me, though, is a much-needed authorization of \$1.5 billion over 10 years for the Washington Metropolitan Area Transit Authority, WMATA, the Metro system that probably brought a majority of our staffers to work this morning.

WMATA has been one of the Washington, DC, metro area's most successful partnerships with the Federal Government.

In 1960, President Eisenhower signed legislation to provide for the development of a regional rail system for the Nation's Capital and to support the Federal Government. Since 1960, Congress has continually reaffirmed the Federal Government's commitment to Metro by passing periodic reauthorizing bills.

Over half of Metro's riders at peak times are Federal employees and contractors, and a large percentage of these riders are Virginia residents.

Based on Metro's 2007 Rail Ridership Survey, approximately 40 percent of respondents identified themselves as Federal workers who ride Metrorail to work. 39 percent of that group identified themselves as Virginia residents.

We are talking about thousands of cars taken off the major roadways each day because of our area's Metro system.

Metro's record riderships have occurred during historic events where people from all over the country flock to the Nation's Capital to honor their Federal Government: President Reagan's funeral, Fourth of July celebrations, Presidential inaugurations. In addition, the Metro system proved indispensable to the Federal Government and the Nation's Capital generally in the aftermath of the terrorist attacks of September 11, 2001.

Over 50 Federal agencies in the National Capital Region are located adjacent to Metro stations. Federal agencies rely on WMATA to get their employees to and from the workplace year-round, in all types of weather.

As I mentioned, the Railway Safety-Amtrak bill includes \$1.5 billion in Federal Transit Authority funding over 10 years for capital and preventative maintenance projects for WMATA. This language was added by voice vote to the Amtrak bill by my delegation mate, Congressman TOM DAVIS, as a floor amendment during the House's Amtrak debate over the summer.

These dollars will be matched by the Commonwealth of Virginia, Washington, DC, and the State of Maryland.

This critical investment will help provide for much-needed improvements to this stressed transit system. Projects such as station and facility rehabilitation and tunnel repairs will be undertaken.

These funds will also allow WMATA to add new rail cars and buses to help congestion during peak hours.

This critical legislation, which would authorize much-needed Federal funding, contingent on State and local dedicated matches, recognizes how vital Metro is to the region and the Federal Government.

Such legislation is integral to the well-being of the area's transportation system, as we struggle to address traffic congestion, skyrocketing gas prices, global climate change, and the local quality-of-life concerns.

From its inception, the Federal Government has played a significant role in funding the construction and operation of the Metrorail system. I hope this Congress will continue to show that support.

I ask my colleagues to join me in voting "yes" for WMATA today.

Mr. LAUTENBERG. Mr. President, I rise today to ask my colleagues to join me in voting for cloture on this important rail safety and Amtrak reauthorization bill. I am pleased to be doing this with the distinguished Senator from Texas, Mrs. HUTCHISON, and am particularly delighted to have the chance to share in the twilight area of the distinguished career of the senior Senator from Virginia on this issue. JOHN WARNER and I have been friends for many years. We both had some military experience in World War II, and Senator WARNER went on to Korea to continue his duty. We are grateful for not only his duty in the military but his service to the country. Senator WARNER is a man with balance and sensitivity. It doesn't mean he always agrees, and when he doesn't, you know that. He is not hesitant to let you know that he disagrees, but he always does it as a gentleman and always with a courtly touch, if I might say.

So I am pleased to be here and to have his interests in taking care of the District of Columbia, the State of Virginia, and the State of Maryland in terms of having the kind of rail service that is essential now.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, if the Senator would yield, I would just express my appreciation and thanks to the Senator from New Jersey. After 30 years in the Senate, much of that time has been spent working with him on a wide range of issues, many of them international issues of great importance. But I am always happy to come back to the fundamentals of what makes this institution work, and that is our staff and employees and others who are dependent upon this system. I thank the Senator.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be given 2 minutes for Senator DEMINT. I overlooked his coming to the floor. It is my fault. I ask unanimous consent for 2 additional minutes and also to give the other side 2 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, when we look at railroads and the role they serve in our country, it is interesting to see that we are now fighting for having better rail service when we are practically overwhelmed with demand for it. However, on an average day in America, two people are killed and more than 24 injured in railroad-related accidents.

The recent Metrolink collision in Chatsworth, CA, that killed 25 people and injured 135 serves as a tragic reminder that we must act to protect the millions of passengers who ride trains each day in this country. Yet Federal rail safety programs have not been reauthorized since 1994. Some railroad employees are working under laws that date back over a century ago. It is critical that we bring our safety laws into the 21st century for travelers, for the rail workers, and our country's railroads.

Under the leadership of Senator INOUE and the Commerce Committee, working in a bipartisan fashion, we held two hearings to gain input from the administration, large and small railroads, and rail workers. We were very careful with that. The bill we put together was reported out of committee unanimously. It passed then unanimously on the Senate floor last month.

The bill before us today continues an agreement between the Senate Commerce Committee leaders and our counterparts in the House which also passed a rail safety bill. It requires new lifesaving technologies such as positive train control, also called PTC systems. Federal accident investigators say this technology could have made a difference in this month's California crash.

Our bill updates the hours of service laws to ensure that train crews and signal workers get sufficient rest to remain alert and reduce fatigue.

It gives the Federal Railroad Administration the tools to better oversee the safety of the rail industry, including more inspectors and higher penalties for violations of Federal safety laws. In all, the rail safety improvements in this bill are long overdue for workers, for the industry, and for Federal regulators.

In addition to the rail safety legislation, this bill reauthorizes Amtrak for the first time since 1997. As with rail safety, the Senate has passed legislation on this already in this Congress by an overwhelming bipartisan vote on the Senate floor last October. I coauthored that bill with Senator Lott, and it reflects our shared vision for expanding the use of passenger trains in the United States. We held several hearings on this bill and received input from Amtrak, freight railroads, the States, and rail labor.

Since we were blocked from going to conference and reconciling the dif-

ferences with the House Amtrak bill, we worked out a bipartisan, bicameral agreement with our House counterparts. This portion of the bill before us today substantially changes our Federal policy toward passenger rail travel. It provides the funding that Amtrak needs to succeed as a real option for travelers. Included in this funding is a new \$2 billion grant program for States to pursue passenger rail projects. In all, this bill would authorize over \$2.5 billion each year for Amtrak, but it includes the States also for the next 5 years. I say "includes the States also" because it gives the States an opportunity to establish their own rail corridors that have so much interest now. This level of funding will allow more passenger trains to serve more travelers, will create infrastructure-related jobs in America, and will allow Amtrak to make long-term growth plans.

With this investment also comes more accountability. Our bill contains significant reforms, many called for by Senators who have not always supported Federal funding for Amtrak. These reforms will require the railroad to improve its efficiency and management by mandating a new financial accounting system, requiring States to pay for those Amtrak services they get, and considering passenger trains run by freight railroads. Our bill also allows private firms to submit proposals to build new high-speed lines where there is interest, which allows for a full public discussion of this potential.

Both the rail safety and the Amtrak portions of this bill are needed and long overdue. Since we last passed rail safety legislation, more than 9,000 people have been killed and more than 100,000 have been injured in train-related incidents. Think about that. Here we are, we are having a little battle about this, when we can be saving lives, making people more comfortable in their travel, and making rail service more reliable.

Since we last passed Amtrak legislation, gas prices, everyone has noticed, have tripled, highways have gotten more crowded, and we have suffered two of the worst years ever for flight delays. The House took up this bill and passed it on a bipartisan voice vote last week. Now the Senate needs to invoke cloture, pass this bill, and send it to the President for his signature.

I ask that all Senators let us proceed to this question and help travelers, the rail workers, States, and the American railroad and supply companies in this critical industry.

Mr. President, what is the time situation please?

The ACTING PRESIDENT pro tempore. With the additional time granted, the majority now has 7 minutes 10 seconds, and the minority has 2 minutes.

Mr. LAUTENBERG. Mr. President, our bill will result in a substantially safer railroad industry. In recognition of this, the Association of American Railroads and many railroad labor

unions together strongly support our bill.

Our bill will expand the resources of the Federal Railroad Administration, the agency which regulates railroads for safety. It has provisions which would authorize 200 more inspectors and raise the maximum amounts for civil penalties that the agency can levy for violations of our safety laws. These violations can cost up to \$100,000 each.

Too often it takes a catastrophe to get people around here to focus on severe gaps in our laws. Regrettably, earlier this month, America experienced that kind of tragedy. The accident took place in Chatsworth, CA. That train collision was only a couple of weeks ago—September 12, 2008. The devastation we see here, including the loss of life and the number of injuries, is unacceptable if we can do anything about it, and we can.

We also owe it to the residents in communities such as Graniteville, SC. This was January 6, 2005. They had nine fatalities. We want to make sure these things don't happen again. In 2005, we had over 5,400 people evacuated from the area surrounding the accident to avoid the fog of deadly chlorine. Had this accident happened any later that morning, the consequences would have been much worse. Factory workers would have been at work in nearby mills and schoolchildren would have been in the nearby schools. So we owe it to the memory of those people to pledge that wherever we can avoid this kind of thing happening, we must do it.

We also owe it to the people of Luther, OK, who last month watched this massive fireball erupt after a train derailed and caused ethanol tanks to explode. Look at that picture. You can't see the train. That is what happened. We have to be better prepared to prevent these things from happening.

These are not trivial improvements we are talking about today in this legislation. I hope we can quickly finish our work on this bill and get sent to the President's desk for enactment, so that we can avoid the kinds of tragedies that we know are possible.

Mr. WEBB. Mr. President, I rise today in support of the Federal Railroad Safety Improvement Act, H.R. 2095, which reauthorizes our Federal passenger rail program and contains a provision that would provide much needed funding for the Washington Metropolitan Area Transit Authority, WMATA.

I am a proud original cosponsor of the Amtrak reauthorization legislation, which seeks to improve the safety, efficiency, and reliability of our Nation's largest passenger rail service provider. With increasing traffic congestion on our Nation's roadways, it is time to invest in long-term and diversified infrastructure projects that improve passenger rail service. I have long stated my belief that America has been seriously neglecting its infrastructure, and I am pleased that this bill puts us on the path to making a re-

newed investment in passenger rail service. Notably, the bill before us today authorizes \$13 billion for Amtrak over 5 years and includes \$1.5 billion to develop high speed rail corridors throughout the United States, including the Southeast corridor which will connect Washington, DC, to Charlotte, NC.

However, most importantly the legislation before us includes a bill that many of us in the Maryland and Virginia delegations have long been pushing for a long time. I want to thank Chairman LAUTENBERG and his staff for working with me and my colleagues to include the National Capital Transportation Amendments Act of 2007, S.1446.

In short, the Metro funding provision would authorize \$1.5 billion over 10 years for Metro to finance capital and preventive maintenance projects for the Metrorail system. The Federal funding would share the funding burden with the States because the money would be contingent on the District of Columbia, Maryland, and Virginia jointly matching the Federal contribution toward Washington Metro's capital projects.

Appropriate funding for the Metro system is critically important to our Federal workforce, the millions of tourists who visit our Nation's Capital area, as well as the millions of people who live around Washington, DC. I have worked diligently with my Senate and House colleagues over the past 2 years to pass this legislation, and I ask my colleagues to help secure passage of this provision in the Amtrak authorization bill.

Metrorail and Metrobus ridership continue to grow as more than 1 million riders on average per weekday choose Metro as their preferred mode of transit for traveling around the National Capital Region. As the price of gasoline has soared, more people are turning to Metro as their primary mode of transportation. I would note that in fiscal year 2008, there were 215 million trips taken on Metrorail, which is the highest yearly total ever. This represents an increase of 4 percent over last year. In fact, 31 out of 34 of Metrorail top ridership days have occurred since April of this year. On Metrobus, there were 133 million trips taken, an increase of 1.4 million relative to 2007, and also the highest yearly total ever. New funding authorized in this legislation would provide the necessary resources to increase bus and rail capacity and meet forecasted ridership demands before the system and region become totally mired in congestion.

The Federal role in supporting Metro is clear, with a long track record to draw upon. Washington Metro began building the rail system in 1969 with Federal funding authorized under the National Capital Transportation Act of 1969. On two separate occasions, Congress has authorized additional funding for Metro construction and capital improvements. According to a 2006 Government Accountability Office report:

WMATA provides transportation to and from work for a substantial portion of the federal workforce, and federal employees' use of WMATA's services is encouraged by General Services Administration guidelines that instruct federal agencies to locate their facilities near mass transit stops whenever possible. WMATA also accommodated increased passenger loads and extends its operating hours during events related to the federal government's presence in Washington, DC, such as presidential inaugurations and funerals, and celebrations and demonstrations on the National Mall.

In fact, during rush hour, Federal employees account for over 40 percent of Metro ridership. The Metro system was also critical to the evacuation of Washington, DC, following the 2001 terrorist attacks. Metro was deemed a "national security asset" in a Federal security assessment conducted after 9/11. In short, the operation of the Federal Government would be nearly impossible without the Metro system and the Federal Government's emergency evacuation and recovery plans rely heavily on Metro.

The future of Metro and its continued success relies upon consistent support from the Federal Government and the regional localities it serves. Now is the time for the Federal Government to commit itself to providing more long-term Federal funding for the Washington Metro system. Together, along with our jurisdictional partners, we must continue to invest in the transit system that has brought so many benefits not only to the region but also to the Federal Government and the entire Nation. I urge my colleagues to support passage of this bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 2 minutes, and that time will be charged to the minority.

Mr. DEMINT. Mr. President, I do appreciate the leadership on this bill. I am particularly honored to serve with JOHN WARNER. He has been involved with so many great victories here, great leadership. He will certainly be missed.

I don't want to be the one to rain on the parade here because I certainly know there are some good improvements in this bill. Obviously, there is some disagreement whether this bill should go through. The Heritage Foundation calls it the biggest earmark in history. We do have to recognize that with this, on top of the over \$20 billion in earmarks we passed last week, the American people have to be looking in on us and asking, What are they thinking?

If we adopt this cloture motion, we are setting up 30 hours of debate on what I am sure to many is an important bill, but this is in a time when we are talking about a financial crisis of proportions we have not seen since the Great Depression. We have instilled panic in the American people, and people are working around the clock to determine whether we should spend \$700 billion to intrude into the private markets.

To take 30 hours during this time is to suggest to the American people it is business as usual here while we have a crisis and panic on the outside. I encourage my colleagues to let's put this off until later. Whether you support it or you don't, this is not the time to tell the American people one thing and to proceed as it is business as usual. We should not be spending 30 hours of debate on an Amtrak bill, with the pork that has been added to it, at a time when we need to be addressing a crisis in America.

I thank the leadership for all their work on this bill.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DEMINT. I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, due to the Jewish holidays, I am unable to attend the cloture vote today on the Federal Railroad Safety Improvement Act.

However, I want to take this opportunity to express my support for this important piece of legislation that will have a significant impact on rail safety for my State of California and our Nation.

On September 12, a Union Pacific freight train collided head on with a Metrolink commuter train during rush hour in Chatsworth, CA. This tragedy claimed 25 lives, and injured 135 people, many of whom have sustained lifelong injuries.

This was a senseless tragedy that did not have to occur. Several safety measures could have been employed to help avert this tragedy, including the implementation of positive train control, PTC, systems on single tracks shared by commuter and freight rail.

The National Transportation Safety Board has called for the implementation of positive train control systems since the inception of its Most Wanted Transportation Safety Improvements list in 1990. In its most recent list, the NTSB states:

The board believes . . . positive train control is particularly important in places where passenger trains and freight trains both operate.

That is why I joined Senator FEINSTEIN in introducing legislation after the accident that would require positive train control systems to be implemented by 2014 nationwide and in areas of high risk by 2012.

While I would have preferred that the Federal Railroad Safety Improvement Act mandate positive train control in high risk areas by 2012, I am pleased this bill takes a step in the right direction by giving the Federal Railroad Administration, FRA, the authority to require the implementation of PTC sooner than 2015.

I also believe the Federal Railroad Safety Improvement Act makes key advances to address other necessary safety improvements.

In addition to requiring the implementation of positive train control sys-

tems on rail lines used by passenger trains and trains carrying hazardous materials, the bill authorizes \$250 million in grants for States and railroad carriers to aid in the deployment of PTC systems and other rail safety technology.

The legislation also revises work hours for train crews and signal employees by requiring an uninterrupted off-duty period of 10 hours between shifts, a total monthly cap of 276 hours for train crew work hours, and creates the first mandatory "weekend" for railroad employees by requiring consecutive days off.

The Senate has an opportunity to vote this week on the first comprehensive rail safety bill since 1994 and send a clear message to Americans that we have taken action to protect the public by making rail safety a priority.

In light of the recent rail tragedy in southern California, there is no excuse for failing to pass rail safety legislation.

This month, I hosted a Commerce Committee briefing on the rail accident. What became clear at this briefing was that the FRA has had a lax attitude toward rail safety oversight in recent years and that Congress must act now to assure the public's concerns and ensure the safety of commuter rail.

In the wake of the California rail tragedy, this is not the time to have a partisan debate over increased regulation of rail safety intended to protect passengers.

Commuter rail systems across the nation need resources and oversight by FRA to keep Americans safe.

As gas prices continue to rise and more and more families turn to public transit, we must take additional steps to ensure the safety of our commuters.

Our colleagues in the House have acted in support of this legislation. Now is the time for the Senate to act so that we can begin to take the steps necessary make our rail commuter and freight rail lines safer.

I look forward to continuing to work with my Senate colleagues on this important issue in the next Congress.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. NELSON of Florida. Mr. President, with gas prices as high as they are in our country, rail is becoming a more popular mode of transportation. As we find ourselves dealing with more trains on the rails, with crews being asked to work longer hours and make more trips, it is imperative that we ensure these operations are conducted safely.

The Federal Railroad Safety Improvement Act would make sure that rail crews are properly rested and that hazardous materials are properly secured. It also includes critical improvements to our rail infrastructure at bridges and grade crossings. I regret that I could not be here to cast my vote on Monday, but if I were here, I would have voted in favor of cloture.

This bill deserves an up-or-down vote because the American people deserve a safe rail transportation system.●

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Rail Safety Improvement Act, which passed the House of Representatives last week by voice vote. This legislation is necessary in order to make our rail lines safe. I encourage my colleagues to support it.

First, I thank Chairman INOUE, Chairman LAUTENBERG, and Senator HUTCHISON for their terrific leadership on this important bill. They worked in a bipartisan fashion to advance the first comprehensive rail safety bill since 1994. I appreciate their genuine efforts to make America's rail system as safe as possible.

The Rail Safety Improvement Act would prevent train accidents by deploying new safety technology.

It would also take steps to minimize train worker distraction and fatigue, and it would help those impacted by accidents.

Finally, it would invest in the future of rail, in which I firmly believe.

Let me explain what this bill does. After years of delay, this bill will mandate and authorize new funding for the installation of advanced train collision avoidance systems known as positive train control. It will also address grade crossings—establishing a grant program to fund improvements at crossings with a history of deadly collisions.

This bill will limit trainmen shifts to 12 hours, preventing tired engineers from falling asleep at the throttle; it will establish new hours of service rules tailored to ensure commuter rail line workers are rested; it will improve training for those who work the rails, and; it will permit the Federal Railroad Administration to ban cell phone use and other distractions.

The bill will create a program to assist victims and their families involved in passenger rail accidents.

The bill will also lay out a path that will guide the future of rail in America. It invests in Amtrak; it establishes competitive grants to expand the existing rail network into new areas; and it establishes significant Federal support for developing high speed rail in the United States.

This legislation is necessary and long overdue. Congress has not reauthorized the Federal Railroad Administration—the FRA—since 1994, and without congressional guidance FRA has failed to respond to the National Transportation Safety Board's repeated calls for improvements. For example: NTSB has called for positive train control collision avoidance systems since the 1970s, and NTSB has called on FRA to ban the use of cell phones by engineers on duty since 2003. Without guidance from Congress, the FRA has done neither.

Beyond the calls made by NTSB, in California, three deadly crashes involving the Metrolink commuter rail system since 2002 demonstrate that the FRA needs a new mandate.

In 2002, a freight train in Orange County, CA, ran a signal and crashed into a stopped commuter train, killing three and injuring hundreds. NTSB found the collision would have been prevented by Positive Train Control, but nothing changed.

In 2005, a Metrolink train hit a vehicle left on the tracks at a highway rail intersection. This crash, which killed 11 southern Californians, was not unique. Such intersections lead to an average of 3,081 collisions and 368 deaths each year.

Seventeen days ago in Chatsworth, a Union Pacific freight train collided head-on with a Metrolink commuter train carrying 225 people headed home for the weekend. Twenty-five people died and 135 were injured.

In response to this terrible tragedy, I joined with Senator BOXER to introduce legislation requiring positive train control systems on America's trains—with priority given to high-risk routes where passenger and freight trains share the same tracks.

How can we have fully loaded freight and passenger trains traveling on the same track in opposite directions with nothing more to prevent a collision than signals and the attentiveness of a single engineer?

How can we apply 19th century safety systems to a very serious modern day problem?

This is a particularly acute issue in California, which has a great deal of single track, heavily traveled rail.

Mr. President, 41 percent—51 of the 125-mile—Los Angeles to San Diego Amtrak and commuter rail corridor is single track. This is the second most heavily traveled passenger rail line in the United States. On the Amtrak and commuter rail line from L.A. north to Santa Barbara and San Luis Obispo, 80 percent the track is single-tracked—177 of 225 miles, with only limited passing sides. Also 88 percent—75 of 85 miles—of the Altamont Commuter Express commuter rail linking Stockton and San Jose is single track.

In California, we cannot afford to wait for crash avoidance systems to come down in cost. We need action now.

Let me point out for a minute how positive train control works.

Every train's position is tracked through global positioning, which is new technology that can monitor its location and speed. These systems constantly watch for excessive speed, improperly aligned switches, whether trains are on the wrong track, unauthorized train movements, and whether trains have missed signals to slow or stop.

Each train also has equipment on board that can take over from the engineer if the train doesn't comply with the safety signals. The system will override the engineer and automatically put on the brakes.

Versions of these systems exist and are in use today. They are in place in the Chicago-Detroit corridor and Am-

trak has a system in the Northeast corridor. San Diego has a more simple system, known as Automatic Train Stop, which has been in existence since the 1940s and would have probably prevented the Metrolink's most recent deadly crash. But the railroad industry resists these collision prevention systems. They ask for more time. They say that the technology is still being developed.

By enacting the Rail Safety Improvement Act, Congress will demonstrate that it gets the message that positive train control will save lives. This legislation includes key parts of the Rail Collision Prevention Act that Senator BOXER and I introduced.

The positive train control systems mandated by this bill will prevent 40 to 60 train crashes a year and save lives.

And FRA will have the power to issue civil penalties if the systems are not in place.

While the bill that Senator BOXER and I introduced would have required collision avoidance systems on high risk track to be in place earlier than this legislation, the Rail Safety Improvement Act is nevertheless a major step in the right direction.

The FRA will have the power to move deadlines up on the highest risk rail routes, and I fully expect FRA to impose aggressive deadlines on single track, heavily traveled rail lines.

I believe we must do all we can to see that the Senate acts on it before the session comes to a close.

I believe rail has a bright future in America but only if the public's safety is assured.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SPECTER be given 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Mr. President, this legislation is vital for the infrastructure of America. Amtrak provides an indispensable service. Contrary to assertions, there is much in this bill which provides for reform: a greater role for the private sector by allowing private companies to bid and operate underperforming Amtrak routes; requires Amtrak to establish and improve financial accounting; requires Amtrak to consult with the Surface Transportation Board, freight railroads, and the FRA.

Most of all, when the Senator from South Carolina comments about this is an earmark, this is thoughtfully considered legislation by both Houses of the Congress. It has been held up by the technical refusal of some Senators to allow conferees to be reported. But this sort of gives lie to the whole challenge of earmarks as a generalization. Of course, if it is a bridge to nowhere or some provision slipped into a bill by a single Member which does not have any merit, but where you have the Congress of the United States author-

ized by the Constitution to appropriate, this is thoughtful authorization of funds.

If this is an earmark, then those who condemn earmarks in their totality are absolutely dead wrong and nothing proves it as conclusively as saying that the Amtrak legislation is an earmark, when it has been carefully considered by both Houses of Congress, which is our constitutional responsibility and our constitutional authority.

I urge my colleagues to support this bill.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I am going to use leader time. All other time has expired; is that right?

The ACTING PRESIDENT pro tempore. The Senator is right.

Mr. LAUTENBERG. I yield back all our time.

The ACTING PRESIDENT pro tempore. The minority time has expired. The majority has yielded back its time.

The majority leader is recognized.

Mr. REID. Mr. President, we now turn to legislation, thankfully, to improve the safety of America's railroads. This bipartisan, bicameral legislation will achieve something we can all agree on, I hope—the improved safety of our Nation's railroads.

The pictures Senator LAUTENBERG placed before us are, to say the least, descriptive.

Through new technology, updated regulations, and an expanded Federal agency that is up to the challenge of policing the railroads, the bill will save lives.

To reach this goal, Senators from both sides of the aisle have worked tirelessly, putting aside partisanship and overcoming obstacles that would derail the needed safety and infrastructure improvements we owe the American people. The picture we saw a few minutes ago, the tragic collision that occurred in southern California in Chatsworth on September 12, reminded us all it has been entirely too long—almost 15 years—since Congress last reauthorized a bill to set the route of the Federal rail safety programs.

The Senate took its first steps at rectifying this situation by passing, by unanimous consent, Senator LAUTENBERG's rail safety bill, just before the August recess. It is a bill he worked hard on with KAY BAILEY HUTCHISON and which is now an important piece of legislation we must address.

Similar to myself, Senators LAUTENBERG and HUTCHISON believe we cannot wait another day to reauthorize and improve these lifesaving programs. I am glad we can finally move to consider this good piece of legislation today.

In addition to our rail safety programs, this legislation will also reauthorize Amtrak and improve the railroad safety operations infrastructure.

We last passed an Amtrak reauthorization bill more than 10 years ago. Our national railroad has been without

guiding legislation since 2002, and that was only temporary. With all the challenges facing the traveling public today—high gas prices, long delays at airports, and constant highway congestion—improving our Nation’s intercity passenger rail system is an idea whose time has come.

Eight years ago, my wife and I decided we would travel from Washington to Chicago on an overnight train. What a good experience that was. Where I was raised, there was no railroad. But now, 8 years later, people would take the trains, such as we did, more often because of the jamming at our airports and our busy highways, but they simply are not available. Trains offer a fuel-efficient and environmentally sound way to quickly enhance our transportation system, and this bill will improve both the existing Amtrak system and help us develop new rail service in corridors across the country, such as in Nevada, where a high-speed rail corridor is being planned and would connect Las Vegas to southern California.

Despite this progress, some Senators took it upon themselves to prevent the House and Senate from going to conference on this bill in an attempt to kill the legislation. It is hard to comprehend, but that is true.

Thankfully, the sponsors of this bill did not give up when they faced these challenges. Senator LAUTENBERG and Senator HUTCHISON instead began working with the House to put together the combined rail safety and Amtrak legislation, and today we see the fruit of their labor.

This package has been approved by the House by voice vote, with near unanimous support, last Wednesday and is now ready to be sent to President Bush for his signature once the Senate passes it, which I hope we do.

It contains important new safety requirements for our railroads, such as the implementation of positive train control systems, known as PTC systems. These systems can prevent train collisions, such as the terrible crash in California less than a month ago.

This bill ensures the railroad industry adopts this vital technology wherever passenger trains and hazardous cargo shipments travel.

This legislation is supported by the railroads and their workers and was developed working closely with the administration.

Democrats and Republicans, in both the Senate and the House, have made a strong statement that we need to move our Federal rail safety programs and our passenger rail system into the 21st century. I hope we can move forward on this legislation quickly and get it to Senator Bush for his signature.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2095, the Federal Railroad Safety Improvement Act.

Richard Durbin, Hillary Rodham Clinton, Kay Bailey Hutchison, John Warner, Gordon H. Smith, Olympia J. Snowe, Jim Webb, Jon Tester, Barbara Boxer, Dianne Feinstein, Frank R. Lautenberg, Charles E. Schumer, Thomas R. Carper, John D. Rockefeller, IV, Benjamin L. Cardin, Byron L. Dorgan, Patty Murray, Daniel K. Inouye.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 2095, an act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Illinois, (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent. The Senator from Missouri (Mr. BOND), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 17, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—69

Akaka	Cornyn	Klobuchar
Alexander	Crapo	Kohl
Baucus	Dodd	Lautenberg
Bayh	Dole	Leahy
Bennett	Domenici	Lieberman
Bingaman	Dorgan	Lincoln
Brown	Durbin	Lugar
Byrd	Feingold	Martinez
Cantwell	Feinstein	McConnell
Cardin	Graham	Menendez
Carper	Grassley	Mikulski
Casey	Hagel	Murkowski
Chambliss	Harkin	Nelson (NE)
Clinton	Hatch	Pryor
Cochran	Hutchison	Reed
Coleman	Inouye	Reid
Collins	Isakson	Roberts
Conrad	Johnson	Salazar
Corker	Kerry	Sanders

Schumer	Stabenow	Webb
Smith	Stevens	Whitehouse
Snowe	Tester	Wicker
Specter	Warner	Wyden

NAYS—17

Allard	Craig	Sessions
Barrasso	DeMint	Shelby
Brownback	Enzi	Thune
Bunning	Gregg	Vitter
Burr	Inhofe	Voinovich
Coburn	Kyl	

NOT VOTING—14

Biden	Landrieu	Nelson (FL)
Bond	Levin	Obama
Boxer	McCain	Rockefeller
Ensign	McCaskill	Sununu
Kennedy	Murray	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the House is going to vote in the next half hour on the recovery plan. We are going to attempt this afternoon to get a consent agreement to move so that we will have a 60-vote margin to approve this legislation. We would do that sometime on Wednesday, late in the day.

In the meantime, we are working to see if we can complete an agreement to move and complete the Indian nuclear treaty, also on the same day. That would be Wednesday. I think we are very close to being able to work that out. That would allow all afternoon today, all day on Tuesday, and Wednesday to work on those two items.

Mr. MCCONNELL. Will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. MCCONNELL. I want to make sure I heard correctly, and my colleagues understand, that we would address the rescue package with a vote Wednesday night? A Wednesday night vote on the rescue package, is that what I heard?

Mr. REID. Yes. We have to make sure it passes the House. I am confident that will be the case. Yes, we will work to see if we can get agreement, both the majority and minority, to have a vote on that sometime Wednesday.

I also say I know there is a lot of anxiety, people wanting us to complete this this afternoon. We pushed things a lot, to a 12:30 vote. Many people wanted a much earlier vote. The holiday starts sundown today which, as I understand it, is around 6 o'clock, quarter to 6, maybe even earlier than that. People have to go home so they can prepare for the holiday.

I know people have said let's go ahead and do this anyway. We cannot do that. This is an important piece of legislation. It would be legislative malpractice for us not to talk about it before we vote on it. I am confident everyone understands that.

The one thing I didn't mention is we are going to have to have a final passage vote on the matter on which cloture was just invoked. We will also do