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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our refuge and strength, we seek for peace and unity but live with strife and division. We make agreements but suspect that we haven't agreed. We flex the muscles of our might to reassure ourselves and caution aggressors. Yet we feel anxiety. Lord, show us the way.

Keep our Senators from presuming that You are automatically on their side. Instead, let them earnestly seek to be on Your side. Enable them to find unity with each other because of their connection with You. Keep them sensitive to see You at work in our world with Your intervening love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2007.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business for 60 minutes, with the first half of the time under the control of the Republicans and the second half controlled by the majority.

ORDER OF PROCEDURE

In the time that we have, I ask unanimous consent that Senator KENNEDY have 20 minutes.

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

Mr. REID. Following morning business, the Senate will resume consideration of the Amtrak legislation.

Yesterday, in a short period of time, the Senate considered and adopted nine amendments to the legislation. A number of other amendments remain to be considered. I believe the managers share my view that action on this bill can, hopefully, be concluded during today's session. Therefore, it is estimated that the number of votes with respect to amendments and the pending cloture motion could occur prior to the Senate recessing for the caucus meetings. Members have until 12 noon to file germane second-degree amendments to the bill.

Last evening, I had a conversation with my counterpart, the distinguished Senator from Kentucky, Mr. MCCONNELL, and indicated to him that we are going to move to and complete SCHIP this week in some form or fashion. That may require some time into the weekend. We can change everything by unanimous consent. We will see what the mood of the Senate is. Everybody should be alerted that unless Senator MCCONNELL and I and the other 98 Members can work something out, we may have to be here this weekend.

We have been very fortunate that we have not had to have many weekend sessions this year. That is really good. If we can get our work done, that is fine.

I have an obligation to move to the farm bill. Every 5 years, we have to complete that, and we are going to do our very best to do it in a way that makes a lot of sense. In the next 2 weeks, after this week, there are other things we have to do. We have to send an appropriations bill to the President and get that conference started. Some say no matter what we send him, he will veto it. That may be the case, but at least we will get the process going to see if we can work out something rather than a number of short-term CRs to complete the funding of the Government. I hope we can do that.

We also have other things we need to work on that are extremely important to do. Some of that must be done before we leave on November 16. We have a lot of work to do. I have had both Democrats and Republicans talk to me, saying: My legislation is important, let's get it done.

Mr. President, it is difficult to do. The rules have developed in the Senate over 230 years, and I think they have served the country well, as you look back. When you are right in the trenches trying to work through this, sometimes it is very difficult. We will try to be as fair and inclusive to everybody as we can during the next 2½ weeks.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FIVE WEEKS AND COUNTING

Mr. MCCONNELL. Mr. President, a lot of business in the Senate involves numbers. There are 100 Senators. The majority has 51, and this side of the aisle has 49. As the majority leader just indicated, it takes 60 votes to pass most significant legislation. Senators are always thinking about many different numbers. But today's number is quite simple. The number is 5—yes, just 5. It is 5 because this is the fifth week of the new fiscal year. But our friends on the other side of the aisle have yet to fulfill, as the majority whip puts it, ''the most fundamental job Congress is expected to do,'' and send a single appropriations bill to the President's desk.

Let me give just one example. The Senate passed the Military Construction/Veterans Affairs appropriations bill, which provides critical funds for wounded warriors, deserving veterans, and the base installations of servicemembers and their families, in a bipartisan 92-to-1 vote nearly 2 months ago. Yet that bill now sits idle as we wait for the majority to call it up to conference.

Meanwhile, as early as today, the majority could proceed to take up another version of the SCHIP bill, which is certain to be vetoed once again by the President.

Republicans want to strengthen and secure the SCHIP program. The exact wrong way to do that is to lose focus on the low-income children it was designed to protect. So let's work together on a compromise that will keep the focus where it belongs, on low-income children. But I suspect I am going to have plenty of chances to come back to the Senate floor and debate this issue very soon.

The point is, working on a bill that we know will be vetoed is not the best way to use precious legislative time. Why do they insist that we go through with this?

Further, Mr. President, I think we can all agree that we should do everything in our power to provide for our veterans and our troops. November 11 is Veterans Day. I think this Senate ought to honor our veterans and the brave men and women who serve under our country's flag by sending the Military Construction/Veterans Affairs and Defense appropriations bills to the President's desk by Veterans Day without any gimmicks and games. It is the least this Congress can do for those who have worn the uniform, and it is the least this Congress can do to meet the minimum threshold of conducting the Government's important business.

Five weeks and counting, Mr. President.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for 60 minutes, with the first half of the time under the control of the Republicans and the final 30 minutes under the control of the majority.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. 2258, introduced earlier today.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2258) to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 2258) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Third Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''October 31, 2007'' and inserting ''March 31, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

SEC. 4. DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.

Section 435(p) of the Higher Education Act of 1965 (20 U.S.C. 1085(p)) is amended —

(1) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d).''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

''(II) is acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity, on the date of enactment of the College Cost Reduction and Access Act, was the sole beneficial owner of a loan eligible for any special allowance payment under section 438.'';

(B) in subparagraph (A)(ii), by inserting ''of'' after ''waive the requirements'';

(C) by amending subparagraph (B) to read as follows:

''(B) NO FOR-PROFIT OWNERSHIP OR CONTROL.—

''(i) IN GENERAL.—No State, political subdivision, authority, agency, instrumentality, or other entity described in paragraph (1)(A), (B), or (C) shall be an eligible not-for-profit holder under this Act if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.

''(ii) TRUSTEES.—A trustee described in paragraph (1)(D) shall not be an eligible not-for-profit holder under this Act with respect to a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.'';

(D) by amending subparagraph (C) to read as follows:

''(C) SOLE OWNERSHIP OF LOANS AND INCOME.—No State, political subdivision, authority, agency, instrumentality, trustee, or other entity described in paragraph (1)(A), (B), (C), or (D) shall be an eligible not-for-profit holder under this Act with respect to any loan, or income from any loan, unless—

''(i) such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan; or

''(ii) such trustee holds the loan on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such

State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan.''';

(E) in subparagraph (D), by striking ''an entity described in described in paragraph (1)(A), (B), or (C)'' and inserting ''a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d),''; and

(F) by amending subparagraph (E) to read as follows:

''(E) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A), (B), (C), and (D) of this paragraph, a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), shall not—

''(i) be deemed to be owned or controlled, in whole or in part, by a for-profit entity; or

''(ii) lose its status as the sole owner of a beneficial interest in a loan and the income from a loan,

by such State, political subdivision, authority, agency, instrumentality, or other entity, or by the trustee described in paragraph (1)(D), granting a security interest in, or otherwise pledging as collateral, such loan, or the income from such loan, to secure a debt obligation for which such State, political subdivision, authority, agency, instrumentality, or other entity is the issuer of the debt obligation.''.

CONGRATULATING THE BOSTON RED SOX

Mr. KENNEDY. Mr. President, it is good to be back in the Senate after a brief absence due to some health issues. I am enormously appreciative to the people of Massachusetts, for all of their thoughts and good wishes and prayers that were extended to me. I am very thankful to so many of our colleagues, on this side of the aisle and on the other side as well, who wished me well. As a matter of fact, there were a number of those on the other side of the aisle who urged me to take even additional time, that the Senate could function very well without my attendance. I appreciate their good thoughts, but we are back in business and ready to deal with the important issues at hand.

One of the very important issues at hand is reminding the country of the extraordinary achievement and accomplishment by a magnificent sports team from my home city of Boston, MA. The country knows about it, but I know Senator KERRY joins with me in taking a moment to say how much we are cheering them on, on this magnificent, beautiful day in Boston. Our greatest regret is missing what they call the ''rolling rally'' that will celebrate the World Series victory of our beloved Red Sox. It is going to be an absolutely spectacular day in Boston.

Both of us, Senator KERRY and I, are very grateful to the Senate for last night passing this wonderful resolution that expressed all of our feelings about the Boston Red Sox and their success this year. It is an extraordinary record. For the millions of members of the Red Sox nation, this year has been a dream come true. We are proud of the team and what they have accomplished, especially the way they came back after trailing the Cleveland Indians by some three games to one in the American League Championship Series and went on to win seven straight games.

It was an exciting season full of brilliant performances, but none of them were as touching as the extraordinary—and it was extraordinary—performance by Jon Lester, the great pitcher for the Boston Red Sox, who pitched 5⅔ shutout innings in game four on Sunday night, less than 1 year after being treated with lymphoma. For thousands of families struggling with cancer, his example is truly an inspiration.

I congratulate the Colorado Rockies as well. They showed us what can be achieved when everyone pulls together, winning an incredible 21 out of 22 games to reach the World Series and making history in the process. I have no doubt their team will have a brilliant future.

So, congratulations, Red Sox, for a job brilliantly done in 2007. It is a wonderful year for baseball in Boston. We are enormously grateful to the whole team for an inspiring and exciting season and we look forward to another great year in 2008.

AMTRAK

Mr. KENNEDY. Mr. President, I strongly support the Passenger Rail Improvement and Investment Act. I commend the bill's managers, Senators LAUTENBERG and LOTT, for their leadership on this issue, and I am proud to be an original sponsor of this important legislation.

Effective passenger rail service is more essential than ever at this time when gas prices, the Nation's economy, and our environment are on everyone's mind.

For decades, Amtrak has given the Nation a safe, reliable and energy efficient alternative.

Now, we must make the necessary investments in passenger rail service to preserve this important transportation option.

The pending bill gives Amtrak the funds it needs to continue operating and make necessary repairs.

It couldn't be timelier, because more and more Americans are choosing passenger rail. Recently Amtrak reported its highest ridership ever—nearly 26 million passengers in 2007.

It is particularly gratifying that the bill gives special priority to the overburdened Northeast Corridor, allowing it to return to a state of good repair by 2012.

Rail transit has long been an important part of Massachusetts' public transportation system. Boston's Green Line—110 years old—is the oldest subway system in North America. The Northeast Corridor is the backbone of Amtrak today, serving 10 million passengers.

An excellent example of why this bill is so important is the Downeaster, which operates between Boston and Portland, ME. The Downeaster launched its service at the end of 2001, and it has already carried over 1.5 million passengers. The line is so popular that it recently added a fifth daily round trip to meet the demand.

We need to continue to expand these options for the good of our economy and the environment. Public transportation creates thousands of jobs and billions of dollars in revenue.

The number of light rail systems has tripled in the past 35 years, and heavy rail service has nearly doubled. We need to do much more, however, to make public transportation a viable option if we are going to end the Nation's addiction to oil and reduce the harm being done to our environment from greenhouse gas emissions.

Of the 20 million barrels of oil America consumes daily, more than 60 percent is consumed by the transportation sector. Public transportation today saves us 1.4 billion gallons of gasoline each year, which translates into 108 million fewer cars filling up.

Equally important, these investments relieve the growing congestion on our roads. The Texas Transportation Institute's latest Urban Mobility Report found that congestion is costing the Nation $78 billion a year and forcing the average driver to waste 38 hours in traffic, while burning 26 gallons of gasoline. In the greater Boston area, travelers face even longer traffic delays in a year—spending 46 hours stuck in traffic and wasting over 30 gallons of gasoline.

These delays help explain why more and more people are choosing Amtrak. Earlier this year, Amtrak reported that its Acela line—which operates between Boston, New York, Philadelphia and Washington—had an on-time performance record of nearly 90 percent, and nearly a 25 percent increase in ridership.

Those are strong results. The pending bill will make the system even stronger, and I urge my colleagues to support it.

Mr. President, as I make these comments about the Amtrak legislation, I remember very well a former colleague of ours who is not here. He has his own particular health challenges. He is a beloved figure—Senator Claiborne Pell of Rhode Island, author of the Pell grants, author of the National Endowment for the Arts, author of the National Endowment for the Humanities, author of the Seabed Treaty that did so much in terms of arms control and the placement of weapons on the seabeds—there is a whole legacy there.

But President Kennedy said, during his Presidency, that as a student of history it was extremely rare that any individual Member of the Senate could come up with a new idea and then see a real downpayment on that particular program. This is the case with regard to Amtrak. Claiborne Pell was the first voice in terms of rapid transportation between Boston and Washington. He struggled for that program, and during the early 1960s he was actually able to get some resources—not very great amounts—but for the study of it, for the feasibility of it, and for building a sense of inevitability about it.

He saw, long before others did, the importance of transportation, this rapid transportation for our Nation as an energy saver, for the movement of people. He anticipated our congestion and so many issues that have been talked about by two of our colleagues and friends, Senator LAUTENBERG and Senator LOTT, who deserve great commendation for their efforts and for their leadership.

We are reminded—with the explosion of the costs of gasoline, congestion, environmental issues—about the importance of this legislation. Many times over the last 40-odd years, this legislation was at risk. But now it is well established, not only for the corridors which are highly populated, but we are seeing, as has been pointed out at other times during the debate, other examples of this kind of rapid movement of individuals between various population centers and the difference it has made and contribution it has made in terms of not only passenger service but also for our economy and the environment and the use of energy.

SCHIP

Mr. KENNEDY. Mr. President, I want to comment on an issue about which I have spoken frequently over the last 10 years, but one which I feel immensely strongly about, that will be before the Senate and on the national agenda in these next several hours. I will draw attention to its importance to the future of our Nation and particularly to the children of this Nation.

I know there has been a good debate and a good discussion. I have spoken frequently about it, but I welcome the chance to once more, as Americans are beginning once again to refocus on this issue. It takes time. There are so many different issues that are before the Senate, and it does take time. We have to repeat and come back to these issues. It does not surprise me. We have seen it other times.

I was here in 1964 when we failed to pass the Medicare Program. I can remember the whole stream of our colleagues going down to the radio and television gallery issuing their press releases about their opposition to Medicare. And then, about 8 months later—I think it was about 8 months later—the Senate revisited the Medicare Program, and it passed overwhelmingly.

The one great difference, in that period of time, was the election of 1964, when American people gave focus and attention to the issue of Medicare and made the judgment and decision we ought to go and move ahead. I have heard all those arguments, ''socialized medicine,'' ''Government-controlled program.'' We heard that when this program was initially introduced.

Senator HATCH, myself, and others, we have heard those echoes time in and time out. But it was under the leadership of Senator HATCH, the judgment and decision, in terms of providing the help and assistance to these children would not be replication of the Medicaid Program but would be a program that would be basically run by the States, with an outline by the Congress about what would be included in terms of services.

It was a program that was built upon the private companies in these various States. It was a program also that did not quite match the range of different services that were in the Medicaid Program but, nonetheless, has been invaluable in terms of these children.

I come to the Senate floor today to speak about the health insurance, not the health insurance available to Senators or Members of the House or the President and his Cabinet. As I was reminded again during my recent experience, we have access to excellent insurance to pay the cost of whatever care we need. Our health coverage is never in question.

I speak of those who do not work in marbled halls or beneath vaulted ceilings but of those who work at the local bakery or the repair shop or make their living stocking shelves or cleaning offices. This debate is about our commitment to millions of American men and women who work hard every day, pay taxes, care for their children but who stay awake at night worrying because they cannot afford the costs of sudden illness.

It used to be when we debated this issue, 10, 15, 20 years ago, we would talk about the cost of an emergency room visit being $250 and wondering whether a child was $250 sick. That is the cost of going to an emergency room. And we used to debate about how do you measure the pain, the anxiety, the anguish that parent has, wondering whether their child is $250 sick; whether they will get better tomorrow, whether that earache will expand or be an indicator of a more serious illness or that throat ailment may be the same or whether that child would get better.

Now it is a $475 average across this country. That is what this children's health insurance debate is all about: Healthy lives for children, peace of mind for parents, Congress acting for the common good.

CHIP is not a Republican idea or a Democratic idea, it is not a State program or a Federal initiative, it is not public sector or private sector, it is all of those things and more. CHIP is an American success story.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 18½ minutes remaining.

Mr. KENNEDY. Over the past decade, since it was first enacted, we have seen what it can do to transform young lives. Since then the percentage of uninsured children has dropped from almost 23 percent in 1997 to 14 percent in 2005. This is a clear indication of what this program is about, from just below 25 percent uninsured for children—this is 1997—look where it is now, 13 percent.

What we see in other charts, if you talk about what has been the growth to uninsured adults, it would be the opposite. It would be going the other way. This is a success story.

There is an old saying familiar to every first-year law student:

> If the law is against you, you pound the facts. If the facts are against you, pound the law. If the law and the facts are against you, you pound the table.

The President and his supporters in Congress have been pounding the table hard and often on this issue in recent months. It is time to set the record straight. They have pounded the table about all the families making $83,000 a year who are supposedly eligible for CHIP. Let me tell you how many families making $83,000 a year are enrolled in CHIP: None.

None in Massachusetts, none in New York, none in New Jersey, none in California, nowhere, zero, not a single child in a family making $83,000 is eligible for CHIP.

The new bill approved by the House last Thursday goes even further than current law. It makes it illegal to cover anyone in families making over $62,000 a year, or 300 percent of the poverty level.

There it is, in big black letters, on page 75 of the bill:

> Denial of Payments for Children with Effective Family Income that Exceeds 300 Percent of the Poverty Line.

Now, according to the Congressional Research Service, 91 percent of the children covered by CHIP are in families with incomes below 200 percent of the poverty level, or $41,000 a year for a family of four. Almost all of the 9 percent of families above this level pay premiums to defray the cost of coverage for their children. That was a key part of the CHIP program.

States will have a right to make judgments and decisions, to be able to vary the premiums, the deductibles, and the copays. We let the States do that for those who would benefit from the program at this particular level.

The need for genuine outreach to more of the low-income children is a serious problem. But it is a foolish solution to address it by denying CHIP to children who also need it.

Facts are stubborn things, and all the table pounding in the world cannot change them. The basic fact of CHIP is it began as a principled, bipartisan

compromise, and it remains so even now.

Nevertheless, the White House has called upon the supporters of CHIP to compromise and compromise and compromise. We have. But this much is clear: We will not compromise the future of a generation of American children because they come from the working poor. Surely, they are more important than multimillion-dollar tax breaks for the wealthiest individuals or the largest corporations. They are more important than the subsidies for the big oil companies. They are more important than preserving the obscene tax breaks for so-called carried interest.

These are America's deserving children and Democrats in Congress will stand up for them every time and courageous Republicans will too. We have been more than willing to work with Republicans in Congress on reasonable and realistic compromises that still meet our obligations to these children.

Many of us initially called for a much larger bill to properly serve the needs of the Nation's children, but we accepted a less costly bill in order to obtain broad bipartisan support. Year after year, the administration has granted waivers to cover adults under CHIP.

As of February of this year, the administration had granted waivers to 14 States to cover adults through CHIP. In August of 2002, they said yes to covering 40,000 adults in New Mexico. In October 2002, they said yes to over 334,000 in Oregon. In January of 2003, they said yes to 12,000 more adults in New Jersey. In May of this year, amid statements from the President that CHIP should put kids first, his administration said yes to 39,000 adults in Wisconsin.

But now they want to say no. The White House is now shocked, shocked to discover adults are covered under CHIP. It actually cites the consequences of their own decisions as a failing of our proposal.

The legislation the Senate approved last month reversed this policy by moving adults out of the program over the next 2 years. The bill now before us goes one step further. It removes childless adults from the program by the end of next year.

But that is still not enough. Still not enough. The requirement that children produce onerous documentation, listen to this, to prove their citizenship has been shown to be a barrier to care for American children because they often had great difficulty meeting the burdensome requirements of the policy.

These high barriers were imposed because of a fallacy, the myth that they prevented children in America illegally from using these services.

Now, a recent letter from the Congressional Budget Office, not the Democratic one, not the Republican office but the Congressional Budget Office, refutes that claim saying:

Available evidence, based on State reports and other information provided by State officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens.

That statement could not be clearer. It was American children, eligible for CHIP or Medicaid, who were denied services by these requirements, not the undocumented.

The cost of this witch hunt has been high. According to a recent report by the Center on Budget and Policy Priorities, the six States that have examined this issue in detail spent $17 million to administer the requirement, have denied health insurance to tens of thousands of needy children and parents as a result, and have identified a grand total of eight—eight—undocumented aliens, individuals.

The number of low-income children insured through Medicaid has dropped 11,000 in Virginia and 14,000 in Kansas due to the new requirements. Each State identified one applicant, one applicant who incorrectly claimed to be a citizen.

Even now, we accepted a compromise by requiring the Social Security Administration to verify the citizenship of any child seeking coverage under CHIP. The time has come to stand up and be counted, to see who is for children's health insurance and who is against it.

It's obvious to everyone that our bipartisan majority for an effective CHIP program has made compromise after compromise. The time has come to stand up and be counted to see who is for children's health insurance and who is against it.

We need to know who is for families like the Vega family in Greenfield, MA. CHIP helps Flor Vega, a working mother, buy an extra inhaler for her 5-year-old daughter, so she could have one at school and the other at home. CHIP also helped her afford a nebulizer, the small, portable device that pumps the asthma medicine into the lungs when an inhaler isn't effective. That means her daughter doesn't face sudden dangerous attacks of asthma that require her to go to the emergency room.

We need to know who is for families like the Lewis family in Springfield, MA. I met Dedra Lewis and her daughter Alexsiana when they came here to talk to me about the difference that CHIP has made in their lives. Alexsiana has a rare eye disease that requires expensive drops every hour of every day. To take care of her daughter, her mother had to cut back her hours at work, and she lost her insurance. Without CHIP, they would be choosing between paying the mortgage for their home or paying for medicine that Alexsiana needs to keep her vision.

Family after family from coast to coast could tell similar stories. That's why families across America are calling on Congress to renew the promise of CHIP.

The task has not been easy, but we will not be deterred or deflected.

When Medicare was first proposed in the 1960s to allow the nation's senior citizens to live their retirement years in dignity, its supporters were attacked with much the same harsh rhetoric as we hear now about CHIP—it's ''Socialized medicine.'' It's a ''Government takeover.'' But Congress rejected that absurd rhetoric, and hundreds of millions of senior citizens have benefited immensely ever since.

American families face real challenges—higher mortgages, soaring gas prices, the ever-increasing cost of health care, and many other burdens. They deserve real solutions, not empty slogans.

Our opponents failed to stop Medicare, and they won't stop CHIP now. Medicare didn't pass on the first attempt, but its supporters came back again and again and again with the force of the American people behind them to ask—to demand—that Congress act. And the 1964 election made it happen.

And that's just what we'll do with CHIP, even if it takes the 2008 election to do it.

We'll keep at it until the children of America get the health care that they deserve and that the American people are demanding.

We know what the President's priorities are. He is calling yet again for more money, on top of more money, on top of yet more money to pay for the war in Iraq.

The President has made his judgment. He has decided to pour even more of our national treasure into the sands of Iraq and to burden our economy with the immense costs of the war for years to come.

Every day the war goes on, we spend what's needed to cover a quarter million children.

We have a military surge to help the people of Iraq. I say we need a health care surge to help the children of America.

This administration is quick to highlight their achievements on health care for the children of Iraq, but won't show the same commitment to the health of our own children.

In Iraq, American money has renovated 52 primary care clinics and reequipped 600 others. But in America, children are denied essential medical services in the name of fiscal discipline.

In Iraq, our citizens have paid for 30 million doses of children's vaccine. But in America, we are told we can't afford basic preventive care for 10 million children.

The Web site of the U.S. Agency for International Development proudly notes a remarkable accomplishment, and I commend them for it. They have successfully vaccinated 98 percent of all Iraqi children against measles, mumps and rubella. If only we could do as well for our own children.

According to the CDC, only 91 percent of American children had received the same vaccine by the recommended age. The administration should be as concerned that children growing up in

Boston or Birmingham get their recommended vaccines as they are about the children of Baghdad and Basra.

That same Web site proudly notes that USAID has ''improved the health of vulnerable populations in Iraq by increasing access to high quality, community-based primary healthcare.'' That is just what we are trying to do for vulnerable populations in America.

In Iraq, it is an accomplishment. In America, it is a veto.

A bipartisan majority in Congress has made a judgment, too. Our judgment is that we must make room for decent health care for America's children. We must stand up to the empty rhetoric and hollow slogans of the White House, and give all children in America the healthy start in life they deserve.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

IRAQ BENCHMARKS

Mr. NELSON of Nebraska. Mr. President, I rise today to try to bring the focus of the debate about Iraq back to Iraq, specifically the Iraqi Government's continuing failures to meet benchmarks for progress on political, military, and security matters.

For the past several weeks, the news out of Iraq has been consumed by coverage of the Blackwater security transgressions. To be sure, the allegations against Blackwater are serious and need to be addressed. Oversight needs to be tightened, actions should be taken to ensure that security needs are being met, and force is used only when necessary.

By no means do I believe we should do anything but hold Blackwater and its Government overseers responsible for their actions. But what is happening is the Iraqi Government has successfully shifted the focus of the debate from their failures in meeting benchmarks for progress to the Blackwater security matter.

We need to refocus. Everyone here remembers, and the American people remember, this past spring, during the debate on the supplemental, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, that during the deliberations on that debate, Congress codified into law 18 benchmarks that were identified by the Iraqi Government and the Bush administration.

As a member of the Senate Appropriations Committee, I pushed to include benchmarks in this bill. Since returning from Iraq, having spent Thanksgiving there with the troops in 2004, my second visit to our troops in Iraq, I began to call for the Iraqi Government and U.S. military leaders to establish a method of measuring progress on the stated goals of standing up the military and security forces and establish a functioning government.

During my third visit to our troops in Iraq, in April of this year, I delivered a strong message to Iraqi leaders that they needed to show progress on an oil agreement, quelling sectarian violence, and building a functioning government very quickly or the United States would continue to lose patience with the war.

This supplemental presented an opportunity to send that message and codify it into law. It was the hope of the Senate to provide measurable benchmarks that could provide an outline on progress in Iraq. As part of the benchmarks requirement, Congress asked the White House to provide an assessment in July and September. Congress also directed the GAO to provide its own assessment on the Iraqi benchmarks. In July, Congress received an assessment from the White House on the status of the 18 benchmarks. At that time the White House indicated that satisfactory progress on eight of the benchmarks had been made. On the remaining 10 benchmarks, the White House indicated that the Iraqi Government had failed to make satisfactory progress. In September, the GAO review indicated that 3 benchmarks had been met, 4 had been partially met, and 11 had not been met at all.

In September, the White House provided its final assessment of the 18 benchmarks. Of the benchmarks, satisfactory progress had been made on 10, 2 more than in July, and 8 benchmarks still received an unsatisfactory rating, 2 less than July.

Everyone remembers that this is an important issue because of the importance of making positive gains by the Iraqi Government. I visited Iraq for a fourth time in September, just after General Petraeus testified before the Senate Armed Services Committee but before the benchmark reports were issued. Little had changed. Iraq's political leaders were still entrenched. There was still very little hope for progress on the benchmarks. I delivered the message that time was running out on the blank check policy the administration seems to have implemented in Iraq. At this critical juncture of U.S. policy toward Iraq, the Iraqi policy toward the United States seems disjointed, disconnected, and disassociated. The level of progress on the benchmarks is debatable, but what is undeniable is the fact that progress is needed on some of the most urgent issues to bring peace and stability in Iraq.

The Iraqi Government has failed to enact a debaathification law, a law on equitable distribution of hydrocarbon resources and revenues—that is essentially the oil and the revenues they have collected—and to provide three trained and ready brigades to support Baghdad operations and the disarmament of the militias. The level of progress is undebatable. The Iraqi Government has failed to deliver on these three important benchmarks. These are fundamental failures by a government that continues to expect the United States to invest in Iraq with our soldiers and our dollars, and these failures are unacceptable. We cannot continue on this path and cycle of Iraqi dependence on the United States.

As we prepare to deal with another supplemental, bringing the total off-budget additional war spending this year to just under $200 billion, making total off-budget spending on the war in Iraq nearly $500 billion—off-budget spending in Iraq of nearly half a trillion dollars—we need to refocus on what is happening in Iraq. We need to reexamine these benchmarks and others. Those who called for another 6 months to allow more progress got what they wanted. The question is, when will we get what we want? When will Iraq step up and take over? When will we be able to bring most of our troops home? When will the cycle of dependence end?

The answers to these questions lie in the benchmarks we established. Progress on the benchmarks can give us a timeframe for the future. Lack of progress on the benchmarks could only extend our commitment indefinitely, if we allow it to continue.

Finally, we do need to focus on the Iraqi Government's progress on the benchmarks and the lack thereof. If they had made more rapid progress, we would not need private security outfits protecting American assets and personnel. If they continue to fail to make progress and meet the benchmarks, we will need to fundamentally reassess what our future role might be in Iraq. We can't sustain this pace forever. Our soldiers deserve better. Our taxpayers deserve better. The Iraqi people deserve better from their own Government than the failed leadership they have been shown to date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Has the Senate concluded morning business?

The ACTING PRESIDENT pro tempore. Not quite yet. The minority has a minute and a half; the majority has a minute and a half.

Who seeks recognition?

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of S. 294, which the clerk will report.

The bill clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Bond (for DeMint) amendment No. 3467, to require Amtrak to disclose the Federal subsidy of every ticket sold for transportation on Amtrak.

Bond (for DeMint) amendment No. 3468, to increase competition in the American rail system by allowing any qualified rail operator or transportation company to compete for passenger rail service.

Bond (for DeMint) amendment No. 3469, to clarify the level of detail to be included in the modern financial accounting and reporting system required under section 203.

Bond (for DeMint) amendment No. 3470, to require the Performance Improvement Plan to address reaching financial solvency by eliminating routes and services that do not make a profit.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the Senate is now back on the Amtrak bill that Senator LOTT and I have been working on together for many years. I am glad we are moving closer to passing this bipartisan legislation. Our bill has had wide support with over 40 cosponsors. This is our fifth day on the Amtrak bill, and we have made very good progress. We have been able to work through most amendments. Some we were able to agree to, while some required votes. We still have a few amendments, however, we need to address. But we should be able to finish this bill soon, hopefully today.

It is critical that we do so. When we think about how crowded our roads are, the high price of gasoline, airport delays as an alternative, the potential fuel savings and reduction in greenhouse gases from more people riding the trains, the need for multiple modes of transportation for evacuations during emergencies, rail is a critical answer to our needs.

The need for multiple modes of transportation for evacuations during emergencies is a critical factor, and rail is one very important answer.

We know people will ride the train when there is service available. Amtrak set a new company record of almost 26 million passengers in the last fiscal year. We have seen successes in the Northeast corridor between Boston and New York and through New Jersey to Washington, but there is no reason why we can't have world-class rail service in other regions of the country. Many States are ready to develop new rail corridors, and our bill is going to meet this need by creating a new State grant program for rail projects. In all, it would authorize almost $2 billion a year for Amtrak and for the States over the next 6 years. Instead of barely giving Amtrak enough resources to survive, our bill paves the way for an improved, modern passenger rail network by providing funding for Amtrak's capital and operating needs. Our legislation will also reduce train delays by allowing the Federal Surface Transportation Board to issue fines to freight railroads when their trains delay Amtrak passenger trains.

When it comes to overseeing use of taxpayer funds, our bill requires that Amtrak improve its efficiency and its management. Overall, we require a 40-percent reduction in Federal operating subsidies over 6 years. We require a new financial accounting system to increase the transparency of the company's financial management.

The last Congress, our bipartisan compromise bill plan was approved by the Senate 93 to 6. I hope we will see a similar showing of support in this Chamber later today. America's travelers have been through terrible inconveniences, missed appointments, total unreliability. Now they are relying on us to provide practical and convenient travel options and passenger rail service must be one of them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand the Senator from New Jersey may object to a unanimous consent request.

Mr. LAUTENBERG. I object.

Mr. COBURN. I need to make it first.

Mr. LAUTENBERG. Excuse the delay.

Mr. COBURN. My attempt is for a colleague, an amendment for Senator ENSIGN, amendment 3482. I ask unanimous consent that the pending amendments be set aside and we consider 3482.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LAUTENBERG. Yes, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Mr. President, I note that this amendment could be considered nongermane afterwards and could have been held after that. The fact that we are not going to have a discussion on the amendment is somewhat disconcerting, but we will honor the objection of my colleague from New Jersey.

AMENDMENT NO. 3474

I ask unanimous consent to call up amendment No. 3474.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3474.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service and to limit such service on Amtrak rail lines that incur losses)

At the appropriate place, insert the following:

SEC. ____. FOOD AND BEVERAGE SERVICE.

(a) QUARTERLY REPORT.—The National Railroad Passenger Corporation (referred to in this section as ''Amtrak'') shall submit a quarterly report to Congress and to the Secretary of Transportation that sets forth the profit or loss, as applicable, relating to the provision of food and beverage service on each rail line operated by Amtrak.

(b) CONTRACT RENEGOTIATION.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any fiscal year, Amtrak shall renegotiate any applicable contracts relating to food and beverage service (including associated labor contracts) for such rail line in an effort to—

(1) reduce the cost of such service; and

(2) increase to likelihood to make a profit in the following fiscal year.

(c) DISCONTINUANCE.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any 2 consecutive fiscal years, Amtrak shall terminate such service on such rail line.

(d) REINSTATEMENT.—Amtrak may reinstate food and beverage service that was discontinued under subsection (c) if—

(1) at least 1 year has elapsed since the date on which such service was discontinued on the applicable rail line;

(2) Amtrak submits a credible proposal to Congress and to the Secretary of Transportation for generating food and beverage service profits on such rail line for each of the following 5 fiscal years; and

(3) the Secretary of Transportation, or the designee of the Secretary, certifies to Congress that the proposal submitted under paragraph (2) will likely generate food and beverage service profits on such rail line for each of the following 5 fiscal years.

Mr. COBURN. Mr. President, this is a straightforward amendment. Last night, at 11 o'clock, I arrived at Union Station, taking the Acela Express from New York City to Washington. It is a great value, with good service. It is one of the areas where Amtrak makes money.

But what the American public needs to see about this bill—and I am going to talk about in this amendment, specifically—is we are right here now at this level, as shown on this chart, and total subsidies will not go down, they will go up over the next 5 years for Amtrak. If you consider operating subsidies and capital subsidies, here is where they are, as shown on this chart.

What we are going to have is about a $600 million increase between now and 2012 in the amount the American taxpayers are going to subsidize Amtrak. That may be something we want to do. This amendment specifically deals with an area where Amtrak can make a difference right now, and it is on food service. Over the last 3 years, American taxpayers have subsidized food service on Amtrak to the tune of a quarter of a billion dollars. Now, anybody who travels knows when you get on American Airlines, you can buy a Milky Way candy bar for $3. The same thing costs 75 cents on Amtrak. They know you can buy a beer for $5. It costs $3 on Amtrak.

Why is it we have food programs and food sales programs that the American taxpayer is subsidizing on Amtrak that we refuse to subsidize on airlines?

Now, we have heard during this debate that, well, we subsidize Amtrak,

but we subsidize all the rest of them. Here is the analysis of the Department of Transportation on how much we do subsidize the other forms of transportation in this country. It is pretty revealing.

If you are driving a car, you are paying in to the Federal Government. It is a negative subsidy. You, the individual driver, are paying $1.79, for every 1,000 miles you drive, to the Federal Government—just for the privilege of you driving. But if you are riding a bus, it is a $4.66 subsidy from us, the taxpayers, to us, the bus riders. If you are flying on an airplane, the subsidy is $6.18 for every 1,000 miles we travel. It is what we pay us to fly.

When you get to public transit, it is quite a bit bigger. Could you make justifications for that? I am not saying we should not. But when you get to Amtrak, we are talking about $210 per thousand miles traveled, on average. We know on certain rail lines, certain routes, there is not much subsidy, Amtrak actually makes money. They have slightly improved in certain areas, especially with their latest data. But $210?

Now, if you take their total subsidy, which right now is $1.3 billion—which counts all the subsidies, both capital and others—if you were to take out the losses on food, you would save another $125 million to $150 million.

Nobody expects, when you get on Amtrak rail passenger service, that the rest of us ought to pay for your beer. Nobody expects we ought to pay for your 3 Musketeers candy bar. Yet, in essence, that is what is happening on Amtrak.

This amendment is fairly straightforward. What it says is three things:

It says Amtrak has to calculate and report quarterly to the Department of Transportation and Congress on the quarterly profits and losses, by route or rail line, of food and beverage services. What that means is they ought to know where they are losing their money, and we ought to know where they are losing their money.

The second thing it says is, Amtrak ought to restructure their food and beverage service contracts for any rail line that is losing money on its food and beverage services. This is not rocket science. This is that if you are going to sell it, you ought to at least sell it for enough to cover the cost. Yet we continue to not do that. We continue not to want to hold them accountable to do that.

Then finally, if they cannot present a way to be able to sell food and beverages at a break-even cost at least, then they ought to have to discontinue selling food or have a food service on it. And they have done it on one line because it was losing so much money. The question is, why haven't they either raised the prices or done it on the other lines?

All this amendment is is a management audit tool for Amtrak that says: You are going to tell us every 3 months by route where you are making your money. They need to know that anyhow. They don't right now. They do not account for it right now. They cannot tell you how much by line or route they are making or losing on food service. Any manager of any process knows if you do not know the information, if you do not have the metrics, you cannot manage it. If you do not have the metrics, you cannot manage it.

The history in this debate on Amtrak is interesting, because in 1997, the Amtrak Reform and Accountability Act of 1997 was supposed to solve all the problems, and by 2003 we were not supposed to have a subsidy in Amtrak. That is what the bill said. It said we will, in fact, by 2003 solve this drain of $1.3 billion per year coming out of everybody else's hands into those people who ride Amtrak. We have not had an authorization since 2003. This bill claims that, in fact, the subsidies will go down. But they will not. That is their numbers. That is the bill's numbers.

So now we are saying we are fixing the problem—except the problem continues to grow. If, in fact, we would fix the food service portion of this, the subsidies would do this, as shown on this chart. It would be a flat line. There would be no increase in subsidies—capital or otherwise—if, in fact, we were breaking even on all the food.

It is a straightforward amendment. I know there is some consternation with this amendment by the authors of the bill and the managers of the bill. I understand that. But the fact is, it is hard to explain to the American people why we are subsidizing a 3 Musketeers candy bar and a package of pretzels and a can of beer for people who ride Amtrak—and we are.

It is interesting; I fly every week, and my total travel time is 8 hours each way. I price bottles of water at airports. A bottle of water on Amtrak is $1.99. Do you know what the average price is for a bottle of water at airports in this country? And that is not even on the airplane. It is $2.49. Yet we are selling it 20 percent cheaper on Amtrak than you can buy it in an airport. If you buy it at a convenience store, you can buy it for 99 cents. But we have a captive audience.

The airlines know how to take advantage of that, and we are not subsidizing them, except for the $6, which we pointed out, per 1,000 miles. That comes to 6 cents a mile, by the way, versus $21 a mile for those on Amtrak.

So my hope is we will at least look at this issue and say: OK, if you are not going to manage it, at least look at the food side of it. Measure it. Then, if we want to come back in a year and take this amendment away, saying: OK, you have done it—with this amendment, if they start breaking even on the food, it does not have any effect on them, other than reporting. If they are not going to break even on their food and beverage service, what it says is: Give us a plan to show how you are going to do it. It is very simple. But if you are not going to do either of those, then stop losing money on food service and beverage service on Amtrak.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe we have a unanimous consent request we will propound in a few moments to get a time certain for a vote on this amendment. But we want to make sure everybody is OK with that before we do it.

I say to Senator LAUTENBERG, do you want to go ahead and propound that? We understand everybody has cleared that now.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, to be sure the RECORD reflects our understanding, I ask unanimous consent that the time until 11:45 a.m. be for debate with respect to the Coburn amendment No. 3474, the time be equally divided and controlled in the usual form, no amendment be in order to the amendment prior to the vote; that upon disposition of the amendment, the Senate then proceed to vote on the motion to invoke cloture on S. 294.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I wish to begin by thanking Senator COBURN for getting involved in the process. He made some requests last week in terms of needing more time to actually look at this legislation and think about amendments that should be offered. Senator REID agreed to that.

Senator DEMINT and Senator COBURN have both kept their commitments. Senator DEMINT offered a number of amendments. We have cleared, I think, four of them, and we are working on some others. Senator COBURN came up with two very serious amendments he is interested in and has indicated he would agree to a limited time for debate and have a vote. So I want to acknowledge that, first of all.

I too am concerned about some of the costs we have had at Amtrak. In fact, the last time we passed Amtrak reform, I included a provision in that legislation to allow food to be contracted out. Up until that point, it could not even be contracted out. It was all done in-house with Amtrak, and there was no good reason why that should have been limited that way. They still have not gotten the costs where they should be. But the opportunity is there for them to do that.

I want them to continue to work to get better prices and cut the subsidies, cut the costs, and also while providing good food. But I do think food—whether you are on an airplane or a train—is an important part of the service. I am not going to take an Amtrak passenger train from some remote area that is going to be on the rail for a day or maybe even overnight and not have

any food service. If you wipe out food service, you might as well terminate the route.

But I think this is an amendment that deserves discussion and consideration. This amendment, as I understand it, would require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service. We ought to have that. We ought to have all kinds of reports. It ought to be transparent. We ought to know where the costs are, where the profits are. We should increase the profits and cut the costs.

But to say you should limit such service on Amtrak lines that incur losses, what you are saying is you would have to terminate the lines because if you do not have food service, what are you going to do? Have a brown bag? Bring a lunch? Raise the price? I am for that. I think you ought to pay the costs for doing this.

But if we say: ''OK, if you cannot get this under control, we are going to terminate the line,'' what if the line is actually doing pretty good, but the food service is still costing too much? We should keep the pressure on, but I do not think we can, in good conscience, deny passengers food and beverage service on these long-distance rails.

Amtrak ought to lead more. They ought to address this question of food costs and get those costs down. I must say, we have not had particularly good success in the Senate either. We have had trouble controlling our food costs. But we have heard the stories about airline passengers stranded on planes with no food, and they could not get off the planes, and the kind of consternation that has caused.

Unlike air travelers who may deboard and maybe purchase food during layovers, rail passengers do not have time during stops to get off and come back on. Even if they could, most Amtrak stations do not have snack bars. There is the question of what, in reality, your options are.

Even in corridor service, we know providing food and beverage is essential. The improved food service, for instance, on the Acela contributed to a 20-percent increase in revenues during 2007. Of course, that is the gold standard. If all of Amtrak service was like the Acela, serving the numbers of people with the quality of service they have, and all that, then we would be a lot better off.

But the Department of Transportation inspector general found that Amtrak has reduced its food and beverage labor costs by $12 million over the past 3 fiscal years. I think pressure from the last Amtrak bill has been leading to this. They understand they have to do a better job. We believe that number can drop even further. S. 294 will reduce subsidies by 40 percent over the life of the bill. This includes section 210, which requires Amtrak to reevaluate onboard amenities and service, including food for these long-distance rail routes.

We want reform. We are pressing on this issue, and it is in the bill. In fact, I think some people, when they actually read this bill, have been surprised there are reforms in there, there are improvements that are going to be demanded. People might say we need even more. That is a legitimate argument. But that has been our goal. We want Amtrak to provide better service. We want Amtrak to be able to not lose money, to actually make money. But we want to have the national rail passenger system.

With this amendment, if a particular rail line suffers a loss on a food service, then they would be required to renegotiate the contract relating to food and beverage, including labor contracts. You might say: Well, even that may not be bad. But if a particular rail line suffers a loss in two consecutive years, they would be required to terminate food service on that line. Therein lies the problem. Amtrak would be permitted to reinstate food and beverage service on a discounted line only after a 1-year moratorium and the Secretary certifies a profit for food and beverage service would be generated on such rail line for each of the following 5 fiscal years.

I do agree this is a problem that should be able to be addressed. They just ought to do it. There is a simple solution: You change the service. You raise your costs. You get a different contractor. There are a lot of options. We should continue to press this point, but I don't think we ought to make it such that we wind up having to terminate service if we can't get the food situation straightened out. I don't think it is necessary given the other reforms that we have included in this bill. It goes too far, but I understand the intent. I want this service—I want improvement. I want the cost to come down. But I want a national rail passenger service. I have learned from past experience, don't mess with people's stomachs or you will get in real trouble.

In that connection I will not read the entire piece, but I refer to an article from Parade magazine that will be printed on November 4, 2007. Some of what it says is that with plane delays and high gas prices, Americans are asking: Can we save our trains? It goes into some detail about all of the delays and inconveniences and problems now—the congestion on our highways, the delays, the discomforts on airlines—and people are asking: Is there another alternative? That alternative should be a national rail passenger system.

But, surely, the Government and Amtrak, we could all do a better job of making it a good experience and living within their means. They have not done that. This bill, hopefully, in its present form, or with additional amendments that can be added, will pressure Amtrak to provide this service because I think we are going to need it for the future transportation needs of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, everybody knows the Senator from Oklahoma is meticulous in terms of his anxiousness to reduce the costs of Government in any way we can. That certainly is what is being attempted in this bill that Senator LOTT and I have introduced.

The amendment the Senator from Oklahoma has offered will slowly but surely eliminate one crucial component of Amtrak service, and that is its food and beverage service.

Passengers who take Amtrak's long-distance trains may be in transit for as long as 2 or 3 days, and some may be diabetic.

Unlike airports, most Amtrak stations don't have restaurants or snack bars where you can pick up a bite before you get on the train.

Mr. President, how much time do we have available?

The PRESIDING OFFICER. Just a little over 1 minute.

Mr. LAUTENBERG. Mr. President, I will summarize very quickly to say that on these long rides, a person may be diabetic, may need food. It is part of what rail transportation offers, and it attracts more passengers to know that they can be comfortable and still have some nourishment along the way. If we want to reduce subsidies, then we ought to look at the airlines where we are subsidizing them to the tune of $15 billion a year and say cut out the mini pretzels, cut out the little bag of nuts. It costs a lot of money when you multiply it by all of the passengers who get on airplanes.

The objective is to make Amtrak a more viable part of our transportation network, and I hope we will not start to pick things apart. Maybe we ought to look at what they do mechanically; see whether we can reduce a mechanic here or there. That is not what we want to do. All of this is going to be reported. I thank the Senator from Oklahoma for his amendment, but I am going to oppose it, and I hope all of our colleagues will.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is interesting that two-thirds of the airlines don't have pretzels anymore because they have to make a profit, and they have to report to their shareholders. So it is not there anymore.

We heard a statement that subsidies have been reduced by 40 percent. That is the operating subsidies. The total subsidies haven't been reduced at all. They are actually going up. They are actually going up by this amount over the next 5 years. These are Amtrak's numbers, based on this bill.

These are the numbers of the Department of Transportation, based on this bill.

Now, if you would break even on food service, there wouldn't be an increase in total subsidies. But none of us would

run a business with a loss leader that would continue to undermine our ability to put the capital into business and to stay in business. We would, in fact, make a change. This amendment gives them 2 years. It says, the first year—you get 2 years to lose money, so the first year if you have lost money, renegotiate it, raise your prices, cut your labor costs. The cost of food service on Amtrak is 52 percent labor costs. The average person doling out the food on Amtrak makes twice what somebody does in the private sector doing the same thing. So what we really have is a subsidy to the food service workers on Amtrak because that is 52 percent of the cost, rather than a subsidy to the food.

Again, the question the American people ought to ask is, should we be subsidizing somebody's beer and 3 Musketeers on Amtrak when we don't do it anywhere else? Isn't it common sense that if you are going to offer food service, you at least ought to break even?

What we know from the testimony of the head of Amtrak is they use it as a loss leader. The only problem is where they use it as a loss leader, they continue to lose more money. On their profitable routes, they make money on food service. So the question is, should we, in fact, subsidize food? Nobody wants a diabetic not to have food available, and that would not happen. That is why we put 2 years in here. The first year you recognize you have a problem, and the second year you fix it. This isn't an amendment that is designed to get rid of service in terms of train routes. This is an amendment that says none of us would run a business losing this kind of money. It is a quarter of a billion dollars the last 3 years lost on food, on Amtrak—a quarter of a billion dollars.

Mr. LAUTENBERG. Would the Senator yield for a quick question?

Mr. COBURN. I am happy to yield.

Mr. LAUTENBERG. Knowing the situation that we run into with the airlines where the people are stuck for hours at a time, is it a good idea to eliminate—as the Senator suggested, we are happy that we eliminated pretzels on the airlines. Is that a good idea?

Mr. COBURN. Mr. President, the difference is, that becomes a management decision of the airline, which has to compete. Amtrak has no competition. They have no competition. So, therefore, they continue to do things, because we will subsidize them, that somebody in the private sector would not do. That is a decision that is made that says—American Airlines saved $30 million last year by their restriction of food services. It was in the paper today, $30 million they saved on all the routes by a restriction of the food service. To them, in an airline industry that has been struggling, that is a significant amount of money. You know what. We still flew American Airlines; we just bought it before we got on.

The statement that there is no food available in all of the Amtrak stops is not true. That is true in the most remote areas, but there is food available.

So if we, in fact, would pass this amendment, and Amtrak would run the food service like any other business would run it, this number would become a flat line. In other words, we would go up here and then we would come across, and the American taxpayer would save about $1 billion over the next 5 years if, in fact, we would do that.

So the opposition—I want to finish my point. The opposition to this amendment is the fear that we may lose a route because we may not offer food service. I would be happy to offer——

Mr. LAUTENBERG. Mr. President, if the Senator would yield for one more question.

Mr. COBURN. Let me finish my point. I would be happy to offer the managers of this amendment, to make a second degree to this amendment that says on long-haul routes, if, in fact, there is no possibility you can never do it on a certain subsidy level, I will be happy to accept that. The purpose is that—we lose a quarter of a billion dollars subsidizing somebody's Heineken every day, every year, when we have this system where we don't make a management decision that is in the best interests.

Here is the real reason the decisions aren't made on food service. It is because they don't have to be because we are still going to put the money there. That is the real reason why it is not there.

In the private sector, it would have happened already. If there were private trains competing, I guarantee the prices would be higher for the food component of it. Nobody is going to lose it.

So it is a straightforward amendment. I have a couple of minutes left, and I am happy to yield for a question from the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I wanted to ask the Senator if he was aware that we differ on the amount of subsidy that goes into rail service food costs. It is only $80 million as we see it.

How would a rejection of all loss for food eliminate all subsidies, when, in fact, we subsidize the airlines that are for-profit businesses? Why should we then continue to offer them——

Mr. COBURN. Reclaiming my time, the reason we do is we subsidize for $6 per 1,000 miles traveled on the airlines, and we subsidize $210 per 1,000 miles of travel on the railroad. That is a significant reason we ought to be all the more efficient with what we do.

The Senator is correct. The last year, we only subsidized $80 million worth of food, but on average, every 3 years, it is a quarter of a billion dollars. That was my statement. So ask yourself, should we be subsidizing $80 million worth of food on Amtrak.

This is a straightforward, commonsense amendment that most Americans would say makes sense. We at least ought to cover the cost. If we can't cover the cost, then maybe we ought to renegotiate the contracts with the food service workers who make $43,000 a year who are selling you a bottle of water. Compare that to somebody who is working at an airport or a stewardess on an airplane who is serving you and who is making less than that.

So the consequences of our actions have great impact. Why is it important? Is it because of the subsidy we give Amtrak? Do you know what it is? It is borrowed from our grandkids. We can't deny it. We have the administration claiming a $160 billion deficit this year, and the real deficit is going to be $300 billion because we are going to borrow $140 billion from Social Security to pay for Medicare, and then we are going to borrow $200 billion to pay for a war that we are charging to our grandkids. So that is important because the subsidy isn't coming from us. It is coming from the next two generations.

I yield the floor. I understand all time has expired.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Oklahoma has 2 minutes remaining.

Mr. COBURN. I yield back any remaining time.

The PRESIDING OFFICER. All time is yielded back. All time has expired.

The question is on agreeing to the Coburn amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 24, nays 67, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—24

Allard	Cornyn	Kyl
Barrasso	Crapo	McCaskill
Bayh	DeMint	McConnell
Brownback	Ensign	Roberts
Bunning	Enzi	Shelby
Burr	Gregg	Sununu
Chambliss	Inhofe	Thune
Coburn	Isakson	Voinovich

NAYS—67

Akaka	Bingaman	Byrd
Alexander	Bond	Cantwell
Baucus	Boxer	Cardin
Bennett	Brown	Carper

Casey
Cochran
Coleman
Collins
Conrad
Corker
Craig
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse

NOT VOTING—9

Biden
Clinton
Dodd
Graham
McCain
Obama
Sessions
Vitter
Wyden

The amendment (No. 3474) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The 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 Calendar No. 158, S. 294, AMTRAK Reauthorization.

Frank R. Lautenberg, Trent Lott, Joe Lieberman, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Susan M. Collins, Mike Crapo, Larry E. Craig, John Warner, Byron L. Dorgan, Gordon H. Smith, Max Baucus, Bill Nelson, Robert P. Casey, Jr., Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 294, a bill to reauthorize Amtrak, 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 New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 79, nays 13, as follows:

[Rollcall Vote No. 398 Leg.]

YEAS—79

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Voinovich
Warner
Webb
Whitehouse

NAYS—13

Allard
Barrasso
Brownback
Bunning
Chambliss
Coburn
DeMint
Ensign
Enzi
Gregg
Inhofe
Shelby
Sununu

NOT VOTING—8

Biden
Clinton
Dodd
McCain
Obama
Sessions
Vitter
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the time during the recess period count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SALAZAR).

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

Mr. LOTT. Mr. President, we are working with the distinguished chairman of the subcommittee and the leadership on both sides to get an agreement worked out on how we proceed on this issue for the remainder of the afternoon. In the meantime, Senator DEMINT is here and ready to go on an amendment, and he has a committee markup underway also.

So unless there is objection, I ask Senator LAUTENBERG, could we let Senator DEMINT call up his amendment and go ahead and have a discussion on it?

Mr. LAUTENBERG. I agree.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senators.

AMENDMENT NO. 3467

I would like to discuss amendment No. 3467. Before I discuss the amendment specifically, I would like to talk a little bit about rail passenger service in America and Amtrak specifically.

I think one of the best infrastructure visions we could have as a country today would be to create high-speed passenger rail service that moves people economically and efficiently around the country. The irony is, as long as we continue to pour our Federal resources into the Amtrak model, we will never get to that vision of an efficient passenger rail service in this country.

It is clear from years of working with Amtrak and the model of using freight rails and Government subsidies to support an Amtrak system, we will never have a world-class passenger rail service through the Amtrak model. So I hope we as a Congress, as a Senate, particularly, can come to terms with the fact that if we continue to throw money at Amtrak, we will never have efficient passenger rail service.

Certainly, there are a couple of lines of rail service of Amtrak, particularly in the Northeast, that work well for a number of people. But the fact is, many Americans are contributing to the few passengers who are using Amtrak today. Taxpayers all over the country are putting their money into these few lines that work, even though very few Americans actually ever use these rail services.

As we discuss this final bill, it is important we remember that in the last year the Federal Government gave Amtrak $1.3 billion in subsidies, even though they carry less than 1 percent of the Nation's intercity passengers.

Amtrak is the most heavily subsidized mode of transportation in the country. In fact, every ticket people purchase from Amtrak has an average subsidy of over $210 per passenger per 1,000 miles traveled. We even have some lines where the subsidy reaches as high as $500.

My amendment does not change this. But it tells America the truth about the subsidies for each of these tickets people buy.

My amendment requires Amtrak to put on every ticket for the line they

are using the amount of subsidy the taxpayers are putting into the cost of each of these tickets. By doing this, we will force Amtrak to do what all businesses have to do, which is to track the real cost of every product they sell.

Right now, it is very difficult to determine actually how much Amtrak spends on each of its lines of service. But by requiring they put the cost of the subsidy on every ticket, they will have to calculate the cost—which is the revenue and the losses—for each line in this country.

Every business should have to do it. Amtrak should as well.

It is the only way we can get a handle on actually how much we are spending for each line and hopefully determining, after a while, which lines make sense to continue and which lines should be eliminated.

So I encourage all my colleagues to vote for this amendment. It does not do anything to reduce funding for Amtrak or put any additional restrictions on them. But it does require them to show America what the real subsidy is for every ticket they sell.

So I say to you, Mr. Chairman, I reserve the remainder of my time and look forward to your comments. Hopefully, we will have your support on this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

CHIP

Mr. REID. Mr. President, I have had a number of conversations over the last 24 hours with the Speaker, Speaker PELOSI, with the Democratic leader, STENY HOYER, Senator HATCH, Senator GRASSLEY, and others who have indicated on the CHIP matter they need more time, they have had conversations with Republican House Members who voted not to override the President's veto, they are having conversations with people within the administration, trying to come up with something on CHIP, and they need more time.

My first inclination, after having heard this, was, well, we have waited long enough. But after having spoken to these Senators—Senator HATCH, especially, has been working hard. They have already had meetings with Republican House Members. Senator BAUCUS, I have spoken to him at great length, and he is also having meetings with some of the Republicans in the House to see if there is something that can be worked out. I do not know if there can be.

But what we have done with the matter that will shortly be before the Senate: As to childless adults who are in the program now, under the original bill we passed, they would be phased out in 2 years. In the bill that is now before this body—or shortly will be—they are phased out over 1 year. So we cut that in half.

Ninety-two percent of the people drawing benefits—and the ''people'' are little people, are children drawing benefits from this program—92 percent of them are in families not exceeding 200 percent of poverty. And 200 percent of poverty is about $40,000 a year for a family of four. We have only one State above 300 percent of poverty, and there are maybe five or six States from 200 percent to 300 percent of poverty. So we have said there will be no waivers above 300 percent of poverty. We have changed along that regard.

We have tightened down the language as it relates to illegal children drawing benefits. Under the original bill we passed, illegal children could not get the benefits. You had to be in the country for at least 5 years, with proper papers, and then you could, after having been here 5 years. So we have tightened everything down. We have changed that, hopefully, to pick up some more votes.

At this stage, Senator HATCH and others have said to me: We need a little more time. We would like—because Senator HATCH and Senator GRASSLEY were in on the changes we made. They were not done by Democrats. For every meeting held, they were in on the meetings. But they said give us some more time and maybe we can come up with something else. I am willing to do that. We are willing to do that. I would hope the Republicans mean that, that they do need more time.

So what I would be willing to do—and when I say ''I,'' it is not me—but what we would be willing to do is to put the vote off on CHIP until we finish the farm bill. I am going to do the farm bill next week. I am not going to go to it this week. We would go ahead and finish Amtrak and then move to something else. What it is, I don't know. I will try to come up with something that would be without a lot of pain to anyone. There are many things we have to do that are bipartisan in nature that I think we could go to.

I had originally considered offering a unanimous consent request where we would move off CHIP and go to it when we finish the transportation bill, and in exchange for that, give me permission to go to something else. I have withdrawn that. I don't want any excuses. I don't want anyone saying: Look, we would have done that, but he was demanding what we go to next, and I am not going to do that.

So I am going to recite into the RECORD a unanimous consent request which will say basically that we will move off CHIP, giving Senator HATCH and others time to negotiate to see if they can come up with something that is agreeable to the body, and maybe we can do CHIP so that—and the only requirement I think that Senator HATCH, Senator GRASSLEY, Senator BAUCUS, I, the Speaker, Congressman RANGEL, and Congressman DINGELL have is that we cover the same amount of kids. We tried to do that in some fashion. Right now, if we don't do something, the number of children covered will drop from 5.5 million to 4.5 million. That is the way it is. Those are the facts, and we can't change that. If we passed our bill, the one that got 69 votes in this body, instead of having 5.5 million, we would have 10 million children who would be covered.

So I hope we can do that. But anyway, without belaboring the point, what I am going to ask permission to do is that we move off CHIP at what time it would occur naturally and take it up when we finish the farm bill. The rest of this week we will be working on something else. What that will be, I will certainly consult with the Republican leader. But right now, whatever I do, unless I get consent from the Senate—not only the Republicans but the Senate—I would have to get consent to do that or otherwise I would have to file cloture on a motion to proceed to it. So there are no surprises in that regard.

So I ask unanimous consent that the cloture vote be vitiated with respect to the motion to proceed to the CHIP bill, H.R. 3963, and the Senate begin consideration of that bill following the disposition of the farm bill, H.R. 2419.

As I have indicated, we are not going to move right to the farm bill. We are going to wait until at least Monday to get to the farm bill, as I have indicated.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, if I may do that, and address some comments to the distinguished majority leader, and maybe even some questions, first of all, I think we have made good progress on the Amtrak bill. The leader was considerate of allowing it to go over until today, and our colleagues have fulfilled their commitments to be reasonable with their amendments, and we believe we are ready to go to Senator DEMINT's amendment and get a vote on it at a certain time. I believe we could be very close to going to passage also.

With regard to vitiating the cloture motion on the Children's Health Insurance Program, I can't see any reason why we would object to that, but we ought to continue to try to find a solution. Unfortunately, there has been no real consultation with the leadership on this side of the aisle by those who have been having all of these meetings, and we still have not involved the administration in trying to get a solution that we believe we could all get broad agreement on and avoid going back and forth on bills and vetoes. But to take more time—we still hope you will come up with something that will be supported broadly and signed by the President. But the idea that we would then agree for this to go automatically to the farm bill, we would have to have—

Mr. REID. I am not asking unanimous consent for the farm bill; I am just going to go to the farm bill.

Mr. LOTT. But SCHIP would come back automatically after the farm bill.

Mr. REID. After we finish that, yes.

Mr. LOTT. After a discussion with our leadership, at this time we would have to object. We don't object to vitiating the cloture vote on the CHIP bill,

but we want to make sure we understand we are not agreeing to automatically going to the CHIP bill after the farm bill. So based on that, I would object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, it is hard for me to comprehend the logic of the objection. We are not asking unanimous consent from anybody as to what we are going to go to next. If the minority wants to object to going to the farm bill, they have the right to do that. I think it would be unusual for them to do that, but they have a right to do that.

We filed our 50th cloture motion, and it was my favorite. It was my favorite because it was bipartisan. It was the first bipartisan cloture motion we filed all year. It was on Amtrak. If we have to file cloture on the farm bill, that is fine. It would just take us a couple of extra days to get to the substance of the bill.

But I would also say it would seem to me that if the Republicans are sincere in wanting to do a CHIP bill, unless I am missing something, what better opportunity would they have? I have said let's get off this bill. As we all know, to finish the farm bill could take a little bit of time. I would hope we could finish it in a week, but as we know, in that week it could be interspersed with an appropriations conference report. We have to do the CR. So I can't imagine our finishing the farm bill very quickly.

But I was told initially on this CHIP matter that they needed 2 days to try to work something out. They are going to have well more than 2 days. It is not as if the Republicans have been in the dark. Remember, the two advocates for this—we would not have had a CHIP bill but for Senator GRASSLEY and Senator HATCH. They were part of everything that took place in this bill. When the bill was not overridden—when the veto was not overridden and the bill was rewritten in the House, it wasn't rewritten by the House; it was rewritten by the House and Senator GRASSLEY's staff and Senator GRASSLEY and Senator HATCH. They were in on every word put in this new bill.

As far as the administration, it would seem to me if they have a couple of weeks, then that is what this will basically give them, 10 days to 2 weeks. That gives them lots of time to work with the administration, Secretary Leavitt, or whoever they want to deal with it. Leader PELOSI and I asked the President the day he vetoed this bill—because he kept saying: I want to meet with the leadership. Speaker PELOSI asked him in the morning; I asked him in the afternoon. He said: I am not going to meet with you. So we have tried. We want to be reasonable. This is an important bill. It deals with children. It is bipartisan. This is not a Democratic bill. It is a Democratic and Republican bill.

So I have heard the objection. I understand English. I would hope, though, that this afternoon my friends would reassess this; otherwise, we will go ahead and vote, as we have, on a motion to proceed to it.

It seems to me it would be a little difficult, as fair as we have tried to be, for people to change their votes on it. But miracles never cease, and the Republicans, I am sorry to say, have been pulled in as puppets in the past during the almost 7 years this man has been President, and maybe they can do it again. I would hope not on an issue this important.

I repeat, we simply want to have the Republicans get what they want. Can't they take yes for an answer? We have said, you want more time? This isn't an idea I came up with. The Republicans came to me and said they needed more time. Senator HATCH called me last night. I talked to him twice last night. I talked to Senator GRASSLEY yesterday; and Senator BAUCUS, I called him and said: Is that OK with you? He said: Yes, that is OK with me. So I don't know how we could be more reasonable.

What happens if they don't do this? We are going to go ahead and vote on the motion to proceed and vote cloture on the bill. If that is what they want, that is what we can do. But I don't know how, when somebody says will you do this for me, and we say yes, they say no.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. LOTT. Mr. President, with regard to Senator REID's comments, I don't see any problem with vitiating cloture on the so-called CHIP bill, H.R. 3963. If the leader would like to do that, I assume after consultation with Leader MCCONNELL there wouldn't be any problem getting it done.

The problem is, say that after the farm bill you would automatically go to the CHIP bill which would preclude debate time on the motion to proceed, if necessary. To put that after the farm bill without full rights of the minority would be a concern. First of all, we don't know when that might come. It could come 2 weeks from now, right up against a date when we are supposed to be going out for the Thanksgiving period and we don't want to short-circuit that. But if we could work out something where our rights would be protected with regard to the CHIP bill instead of just going automatically to it after the farm bill, it looks as if that is something that could be worked out.

Mr. REID. Mr. President, I have a deal. Again, trying to be more reasonable than I probably should be, but in an effort to try to be fair, I would consider offering a cloture vote on the motion to proceed to CHIP following the farm bill, and if cloture is voted, go directly to the bill. That way we don't lose the 30 hours. This would give people—if people felt aggrieved that they weren't treated properly during this period of time. I just don't want to lose the 30 hours because that is time toward the end of the session, and we are desperate for time for things that need to be done.

Mr. LOTT. Let me say, if the Leader will yield, you are making an effort, and I think we will need some time to consult with our leader to make sure he is aware of this. I understand the leader doesn't want to have time used that is not necessary. But we have another unanimous consent agreement. We have an amendment that is pending. In the meantime, I will check with Senator MCCONNELL and see what he is thinking.

Mr. REID. I would say to my friend, in fairness, I talked to Senator MCCONNELL prior to lunch, but it wasn't in any detail. I told him generally what I was going to do. So I think it is appropriate to take a little more time, and we can all come out later and try this again.

But I want the record to be spread, if anyone can come up with a more fair proposal than I have offered, then they should come to the Senate floor because I have basically given those people who have wanted more time—and those are the Republicans—everything they have asked for.

By the way, I also want to say not only do I appreciate the Senator's comments about moving forward on the Amtrak bill, but this is a bipartisan piece of legislation, and I was maybe being a little flippant, but I was very serious. I think it is wonderful. We had a bipartisan cloture motion filed. We need to do more of those, if possible.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that there be 20 minutes for debate with respect to the DeMint amendment, No. 3467, prior to a vote in relation to the amendment; that no amendment be in order to the amendment prior to the vote; that the remaining pending amendments be withdrawn; that no other amendments be in order other than a managers' package of amendments that has been cleared by both managers and leaders; that upon disposition of these amendments, the bill, as amended, be read for a third time, and at 4 p.m. the Senate proceed to vote in relation to the DeMint amendment; and that upon disposition of the DeMint amendment, all postcloture time be considered yielded back and the Senate proceed to vote on the passage of the bill; further, that the cloture vote on the motion to proceed to H.R. 3963 not occur prior to 6:30 p.m., Wednesday, October 31 or at a time determined by the two leaders on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe now we are ready to go forward with the pending DeMint amendment.

Mr. President, we agreed to 20 minutes of debate on the DeMint amendment, once the Senator arrives. I believe we are sending a note to him. He had to go to a markup in the Commerce Committee. He has amendments

he wants to offer. He will be back momentarily to offer those.

In the meantime, I want to respond to some of the things the majority leader was noting. I wanted to do it when he was on the floor, but it is important to try to work through these unanimous consent agreements.

Let me say that on the effort to vitiate cloture on the motion to proceed to the Children's Health Insurance Program, it was noted that it had been requested by Republicans that 2 more days be given to work something out. I note that I don't believe that request came from the Republican leader, Senator MCCONNELL. Members on both sides of the aisle have to recognize that our leaders are our leaders. Our leaders have to be consulted on parliamentary procedure and also on timing. So when one Senator—Senator HATCH—says give me 2 more days but there is no contact or consultation with our leadership on this side of the aisle, that is a problem.

Also, we want to make sure we don't give up our normal rights, the regular order. I am concerned about going to some other issue after the Amtrak bill and then going to the farm bill next week. They have been on the farm bill we don't know how long, and at the last minute we may call up a bipartisan agreement, but it will not resolve the agreements on SCHIP.

We must focus on poor children. I am concerned with the present condition of the bill. My analysis is that this bill costs more than the bill that was vetoed, and fewer children are covered. It has an express lane for illegal children to go into the program. There is a multitude of problems with it. The biggest problem is we are still talking about over $35 billion. Instead of trying to come to a compromise on the money that is necessary to cover poor children first, it is still not going to get adults off the program. My observation has been when you let adults get on a program intended for children, you crowd children out.

There are huge problems in the status of the negotiations, which are going on by a group that has not included the Republican leadership or the administration. I don't know who met with whom, or why, or why not. We ought to work this out. I don't like playing games with a program such as this. I stood on this floor and spoke when this program was created. I believe in it. I thought we were going to focus on poor children and not continue to raise the income levels that were covered to 300, 350, or 400 percent of poverty and put it into the program. We need to look at the formula. Some States, such as mine, run out of money year after year because the formula doesn't deal with the realities of the needs of the poor children.

There are multiple problems with what is going on. I am very concerned, on our side of the aisle, about some of the involvement of some of our people without consultation with our leader.

The incurable attitude around here is evidenced by this bill. You can find a way to fight and have a disagreement or you can find a way to work together. This Amtrak bill is, I believe, on the verge of passing by a wide margin. If the House is smart, they will not put poison pills in it and try to explode it. Let's get real reforms and put some pressure on Amtrak. I want a successful national rail passenger system. Do I want subsidies for individual passengers to be reduced? Yes. Do I want the cost of meals to be subsidized by the taxpayers? No. Do I want a strongly led, effective national rail passenger system? Yes.

Let's try to make that happen. But it is not going to happen instantly. We have to set up a process, require reforms, and give incentives to do better.

One of the things I think is going to help, which some of my colleagues on this side of the aisle have referred to, is we are going to have more intercity service as a result of this bill. We have a program specifically aimed to help States set up interservice transportation between not just New York and Albany but sites all over the country where States can do more, where there is a way to get an opportunity to do more to have intercity service.

We have language that will start toward a situation where freight lines can bid to provide the service on these lines. We do it with a pilot program. We don't just say anybody can come in; we say one the first year, two the second year, but we will work toward seeing if others can offer this service more efficiently, effectively, and more cost responsible.

I am very much concerned about how these negotiations are going on on the Children's Health Insurance Program. There is a meeting going on down the hall now that doesn't include the leadership on our side. Fifty staff people have been standing out in the hall. I have a novel idea: I think Senators ought to be involved—men and women of good faith and intellect who understand these problems. We don't have to have our staffs do this for us.

The same is true with Amtrak. Senator LAUTENBERG and I have worked on this for at least 3 to 5 years. This is the third Amtrak reform I have been involved in. I apologize for the other two not doing everything we wanted them to do. We have made progress. It didn't do as well as it should have. Now we are trying again. I say to the Amtrak leadership and the Department of Transportation, first, we are giving DOT more involvement in what Amtrak does. No President has made Amtrak work the way it should. They don't pay enough attention to it. And it is not partisan; I don't think this administration is or that the previous administration was.

This legislation will help us move in the direction of a national passenger rail system. I don't want to go into great length. I don't have to object when the leader makes a request to lock in the agreement to basically finish Amtrak this afternoon and then do something else this afternoon—we don't know what—and on Thursday and Friday and then come to the farm bill next week. Then to go automatically to a CHIP bill, which we don't know what it is going to be, and we give up our rights of regular order, that is not a good arrangement.

I hope the two leaders will get together and proceed to another bill tomorrow. I don't know what it might be. I represent a farm State. I hope we can get a good farm bill and do it in a reasonable period of time. I worry that we are not wanting to get an agreement on the Children's Health Insurance Program. Some people are saying $35 billion or bust. Others are saying we are not going to go to $35 billion. The President is at $5 billion. The earlier bill the President vetoed was at $35 billion. Now the new bill is $35 billion. Is there not an area between the two? I have done negotiations around here for years, in the House, in the Senate, and in conference. When one side is at 5 and the other is at 35, what is half of that? It is a little over 15. Would that work? What is the solution? Is it 20? How complicated is that?

But we need to put the emphasis on the poor children first, quit this budget creep we always get into, adding more and more children at higher income levels, and now we have adults and other loopholes in this program that I think we need to be very careful about. Can we do it? Absolutely.

I introduced a bill a month ago that was probably in the range of where the compromise ought to be. By the way, it was about double what I thought we needed to do when we started out, but I moved up. I hope the two leaders will get an understanding of what the process is going to be and move forward on all of this legislation.

Mr. President, we are now waiting for Senator DEMINT to return.

I will yield the floor so Senator LAUTENBERG may comment on the bill or on other issues.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I want to start off this discussion by saying how much I appreciate working with Senator LOTT and with other Members of the Senate in terms of the amendments. They were offered and considered, but we moved with a degree of dispatch, indicating to me that this is a bill that is wanted by a significant majority of the Senate. That is representing what we believe is a significant public opinion about whether Amtrak ought to be brought up to date and be part of the transportation system that can help relieve other transportation modes of the congestion, pollution, et cetera, that we face constantly in our country right now.

I think the amendment that has been offered by Senator DEMINT is not one of those amendments we would accept—the notion that each ticket a

passenger carries should identify the amount of subsidy that goes into that passenger's ride. I think it is wasteful and I don't see any benefit to travelers or taxpayers. Can you imagine the complication that is involved here? You don't know how many passengers are going to be on that leg and the subsidy has to be divided among the number of passengers. How far is each passenger going to travel? That would also indicate a part of the subsidy. You cannot take a mathematical formula and apply it to this percentage or to this particular passenger's ride.

We all know what is afoot here. I generally agree that transparency is good when it comes to Federal taxpayers' dollars. But this amendment is not needed. It carries the request that Amtrak publish subsidies on its Web site. It already publishes subsidies information per route on its Web site every month as part of its financial report—the general information related to those routes, not individual subsidies per ticket.

Amtrak also provides details on every dollar and dime of its finances to the Department of Transportation and the Congress on a continuous basis. The DeMint amendment would provide travelers with redundant information and, frankly, waste Federal funds.

As I indicated in my earlier comment, it would also be logistically almost impossible to do what this amendment calls for—to determine the subsidy for each rider and print this information on a ticket. These numbers change depending on how far a passenger rides the train. Even if they did not, Amtrak would have to redesign its online reservations and ticketing system for customers to get this information. One doesn't have to have been in the computer business, as I was, in order to know it would take an incredible amount of time and energy to get the software up to date and get the information in on time for it to be printed with any degree of accuracy on the ticket. It is the kind of added cost and redtape that taxpayers are disdainful of.

We don't require the same printing burdens on the airlines, and we have provided some $20 billion to that industry in the last 6 years.

Americans already understand our Nation's passenger rail system requires subsidies, just as rail systems in other countries. What American travelers care about is receiving high-quality and convenient rail service as a result of that subsidy, and this amendment is not going to do anything to help us in those areas.

Senator LOTT has indicated he and I have worked on transportation issues for many years. Finally, the public is so immersed in congestion, in lost time, in delayed and missed appointments, and with the price of gasoline going up as it is—I recently saw a prediction from someone engaged in the oil industry in the Far East that oil was going to be up to $200 a barrel in the not-too-distant future. Do we want to continue to subject the American public to these outrageous costs for this fuel, or do we want to try to achieve some balance in our transportation systems? Trains are much more economical, reduce congestion, reduce pollution, and can establish a level of reliability we can't get out of the aviation system.

We talked about whether we might abandon food and beverage service on the rail lines. We took a vote and it was soundly defeated. But as I listened to the debate, I wondered whether next we would be debating separate charges for the oil and bearing grease that is used on the wheels of the train cars and locomotives, and maybe we can separate out further expenses, maybe paper used in hand towels and items of that nature and reduce the number of those used. We cannot deal with such small matters if we want to get onto doing something that helps the country function more efficiently.

This bill has truly got bipartisan support. We see it not only in the leadership that our friend the Senator from Mississippi applies so skillfully, but there were quite a number of colleagues on the Republican side who joined in to get this bill as far as it is.

We have almost miraculously come to a consensus that says after years of working towards this goal, we are going to get to a positive conclusion toward the reauthorization of Amtrak. It doesn't mean all the problems were solved by a long shot, but it does say we want rail to be as well treated as well as our other means of transportation. We spend some $40 billion each year on our highways, and aviation, unlike Amtrak, is a for-profit business, and we are still giving subsidies to the airlines each and every year and, as I mentioned, over $20 billion since 9/11.

When we look at the possibilities of rail service and see that in Europe, for instance, from Brussels, Belgium, to Paris, France, is 200 miles, about the same distance we are from New York City, they do it in 1 hour 25 minutes. Here, if we use an airplane, we can be sure that one out of four flights is going to be late in departure and usually late on arrival.

If we could get Amtrak to improve its service so we can reduce the amount of time it takes—I had the good fortune this morning to take a 7 o'clock train out of New York City. I live in New Jersey, but it was convenient for me to get to the terminal in New York City. I arrived 2½ hours later, city to city—New York City to Washington, DC. We didn't shake, rattle, and roll all the time. It was nice; if you wanted to have a coffee or write or read, it was reasonably comfortable to do that. That is what rail passengers deserve all across this country—adequate service.

We are anxiously awaiting a vote on the next amendment, which has been ordered, and final passage on the Amtrak bill.

I thank my friend, Senator LOTT, for his cooperative manner and his leadership throughout the issues we have faced in this body almost all the years I have been here. We have served together a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I again say to Senator LAUTENBERG, I have enjoyed working with him on transportation issues—from aviation to highways to highway safety and certainly the rail area and most particularly with regard to Amtrak and the national rail passenger system.

Earlier today, I referred to a ''Parade'' article that will be printed on November 4, 2007. This is a great article. I am going to be quoting some very interesting items that are included in this article because they are so applicable to our debate:

> Americans spent about 3.7 billion hours stuck in traffic last year, burning gasoline whose price had soared by 60 percent.

And probably going up.

> At the airports, security lines snake endlessly, runways are choked, and delays are common. One recent study found that between January and August 2007, one in four flights arrived late; 159 flights were kept on the tarmac for more than 3 hours in August.

I heard a story one time about a friend of mine, a Congressman from Missouri, who went to the airport and wanted to check three bags. He told the attendant: I would like this bag to go to St. Louis, this bag to Kansas City, and this bag to Chicago.

They said: You can't do that. Why would you want to do that anyway?

He said: Well, that is what happened to my luggage last week.

There are certain indignities that go along with this. I don't want to attack airlines. We need to do more in aviation. We need a modern aviation control system. We should be critical when they do things that are indefensible, such as keeping people trapped on a plane on the tarmac.

We need to be thinking about our transportation system in the air in the next generation, how are we going to make it safe, how are we going to deal with congestion. Let's not stand here and complain; let's act on it. That is why I am supporting an FAA reauthorization bill that includes funds for modernization. Senator ROCKEFELLER from West Virginia and I have worked together on that legislation. He has been courageous, staking a tough stand. Everybody wants modernization; nobody wants to pay for it. We have had some serious recommendations, and I am still hopeful that we can resurrect that bill. That is another reason why we need this particular legislation.

''Trains use one-fifth less energy than cars or planes.'' I know this is something the Presiding Officer from Vermont cares a lot about. This makes environmental and conservation sense. They are business efficient, tourist

friendly, and that goes not only for the Senator from New Jersey who came down this very morning, but the Senator from Oklahoma, Mr. COBURN, who said he was in New York City and came down on the train. It cost less, it was very pleasant, and it didn't take as much time.

Why shouldn't we try to do more of that? By the way, it is not just about the eastern seaboard. We want a national passenger rail system. But one of the keys, as I mentioned earlier, is intercity connections. We are not talking about just going north, but talking about an intercity connection between DC and Charlotte, NC. We are talking about Portland and Seattle, Chicago and Detroit. We are talking Miami and Jacksonville. And we provide additional assistance in this bill through the State Capital Grant Program for intercity passenger rail projects.

The grant program makes grants to States or groups of States to pay for the capital cost of facilities and equipment necessary to provide new and improved intercity passenger rail. The Federal match is 80 percent. Projects are selected by the Secretary of Transportation based on economic feasibility, expected ridership, and other factors.

By the way, that is the same arrangement we have with highways. People say: Oh, my goodness, subsidy of a rail passenger system? Well, yes. We have a subsidy for airlines, and we have a subsidy for highways.

I wish we didn't have to have a subsidy. I do hope we do a better job of running Amtrak. I think some progress has been made. I still say former Chairman of Amtrak, David Gunn is a good man and did a lot of tough things and would have done more if he had been able to stay on. I wish him well.

By the way, how much money are we subsidizing Amtrak? Last year, the funding was $1.3 billion, the same as it was 25 years ago. We haven't even accounted for a piece of the inflationary impact.

I want modernization. I don't want the Acela, this nice train running from Washington, DC, to New York and Philadelphia and then have me have to ride some raggedy train from Meridian, MS, that bumps and grinds and drags along and eventually comes to Washington. I want to have something like the Acela, also. We are going to have to have capital improvements. We will have to modernize. We can't tell the people we want you to consider the alternative of rail passenger if it is not on time, if the food has been pulled off the trains, and the equipment is pathetic. It is probably going to be an overnight trip. You have to have some modicum of comfort to take advantage of this alternative.

I have a feeling—and it is not a good one—that we are going to have gridlock and congestion, maybe even safety threats. We are going to have to have a national passenger rail system. I would rather ride on a sleeper or a nice passenger car than in a cargo-type boxcar. That is the way a lot of people have traveled in years gone by, boxcars.

We are trying to do something responsible to make a difference for the American people and deal with our transportation needs in this country.

I do want more transparency. I do want them to cut out the waste. If food costs are being driven by 52 percent labor cost, change it. Raise the cost, do whatever is necessary. But I am tired of people complaining about it and nobody doing anything about it.

I urge the Amtrak board: Get engaged. On transportation, I have urged this administration and the previous administration: Lead us, push the edge. Yet we have had to drag administrations into this area, which is one of the few areas, in my opinion, philosophically, the Federal Government has a role—interstate transportation. You can't do it alone if you are a poorer State, such as Vermont, Montana or Mississippi. It has to be between States, it has to be supported by the Federal Government. It creates jobs. When we build a highway, when we extend a runway, when we improve a terminal and make it safer, make it where the transportation safety administration can do its job, when we lay more railroad track, when we put more trains on that trackage, when we provide good service, jobs are created.

I have absolutely been convinced, in the last 10 years of my career, that transportation is key to future of the country. Infrastructure, yes, industrial sites, water, all that. But lanes, planes, trains, ports, and harbors, if people can't get there, whether it is an individual, a corporate executive or international, multinational company, they are not going to come. If they have to get there on a dirt road—no. They are not going to come. If they can't get decent commercial service, they are not going to come.

This is just a part of the package. It is the kind of thing we can do in a bipartisan way. One of my big problems this whole year is we have looked for ways or issues that we fight over. ''We are defining our base.'' ''We are defining our party.'' Baloney. I didn't come here just to define a party. I think we ought to be trying to find a way to do some things for the American people. It doesn't have to be the grand design of tax policy or budget policy. No, it can be national rail passenger system. It can be something smaller that we can work together on that produces a real result. Let's quit looking for ways that we can fight. There will be plenty of time for that. Let's look for things we can do together that have broad support.

I will be involved when that time comes. I am in and out of here—around here all the time, on a bipartisan basis, because I just can't stand the idea of just being here and producing nothing. I have been told, in a way, I have some sort of congenital defect; and that is a desire to get things done. I hope that is what the moniker on my tombstone will say: He died trying to get something done, something that people care about in this country.

I am getting a little carried away. I am sounding like a preacher. I apologize. But I am passionate about this. I feel a little offended. Some people are sitting here saying this guy is from Mississippi, what does he care? I care because it is right for our whole country, not just for my State. I don't have a vested interest, thank goodness. Yes, we will have a little Amtrak service, not a whole lot, but we will have a couple of lines that come blowing through my State. We will be glad to have them. We hope they will stop a couple of times and pick us up and take us to New Orleans or take us to Atlanta or take us to Chicago.

But Europe and Japan and other countries have done this. I don't like to emulate those countries in a lot of instances, but if they can do it, you are telling me we can't do it? It is just a matter of us making up our minds that we are going to do this, and I hope we have made up our minds this time and we are going to do something that will really help the national passenger rail system.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, Senator LOTT was speaking about the larger assignment that we have in front of us rather than simply a party allegiance. There is no doubt that long before we were Republicans and Democrats, we were Americans. If we keep that focus in mind, I think we can help our country achieve some of the goals that we need to examine.

Look at the conditions that have overtaken America—I will use that word—and look back at the population. In 1970—1971, when AMTRAK was taken over as a quasi-public corporation, the country had 200 million people. Now, barely 35 years later, we have 300 million in this country of ours. Imagine, 100 million more people, and we are still depending on a rail system that was largely developed far earlier than the 1970s.

I think Senator LOTT was absolutely right when he spoke about our need to bring the aviation system up to date as well. We have narrowed the separation between airplanes to one thousand feet vertically. That is not designed to scare anybody because the Federal Aviation Administration (FAA) can handle it, but the FAA does say we are squeezing whatever spare air we have to fill the airspace. When we look at the lighter jets coming into service, it is expected that there will be some 5,000 new very light jets in the sky in the next 10 years. We see the planes are filled constantly and ways have to be figured out to make air service more reliable.

I repeat something that has been said many times: One out of four flights is late today. One of the airports that suffers from these delays is my favorite

airport, and that is Newark Liberty International Airport in New Jersey. We have to learn different ways to do things because, as has been said, the air time to fly from Newark or LaGuardia—I live in between because I live in that part of New Jersey near the Washington Bridge, so I live midway in between. So I can go to either airport for service.

But what has happened is I have been on the airplane many times going up from here to our region and I hear the pilot say: Good evening, the weather is fine, the flying time to Newark Liberty Airport is 38 minutes. Since there are no weather delays we should enjoy our trip up there, and I hope we will be able to close the door soon and get on our way.

In this particular flight that I am thinking of, the pilot closed the door, we were pushed out with the truck to get into place, and the pilot said: Oh, we just learned air traffic in the New York area is fairly heavy, and our takeoff time is an hour from now.

An hour from now, for a 38-minute flight. I looked at my watch many times and couldn't wait for the hour to pass. The pilot gets on the air and says: We have just been advised that we have 23 minutes longer than expected.

By the time that 38 minutes flying time got through, it was 3 hours of time passed.

I just told the story about taking a train down this morning from New York Penn Station, and it was 2 hours and 35 minutes. I was in the city, so I didn't have to travel a half or three-quarters of an hour to get to the airport, and then to be there a half hour or 45 minutes early, so the time consumed just doesn't balance out.

We have to get on with this opportunity to improve our transportation systems because we are being forced into it. We have not planned adequately enough to accommodate travel in our country. We have to act, because we know things are going to worsen, not get better automatically.

As we deal with problems—the occupant of the chair, the Senator from Vermont, and I—we are dealing actively with global warming because of emissions that come from cars, from buildings, from industrial sources, from all kinds of greenhouse gas sources that are creating global warming. Global warming threatens our families directly. It is said by the most auspicious scientific advisory groups—the National Academy of Sciences, the Union of Concerned Scientists, National Science Foundation—they are saying: Get on with it. You have a 10-year window during which time you can do something about arresting the growth of global warming that will make life quite different on our planet than we are used to.

When we see ecological disturbances, like male fish in the Potomac River carrying eggs—not the female fish—that is an ominous sign. When we see polar bears on floes that are ragged, watching as the ice melts from under their feet, it is an ominous sign. When we understand that, if the ice melts—and the occupant of the Presiding Officer's chair and I and other Senators were in Greenland not too long ago and watched ice melt, not in little rivulets but almost like waterfalls, and the forecast is that if that ice melt continues at the pace it is, within 50 years the seas can be 20 feet higher than they are. We have to get on with it.

This is an opportunity to make a contribution to the reduction of greenhouse gases and arrest the momentum of global warming. That rail bill we have is an essential factor in that area.

How about the experience this country has had in these last years when two nuclear energy plants were built, one in New Hampshire and one in Long Island, NY, that had to be virtually abandoned because there was no sensible evacuation route. Rail makes a difference. If rail had been used in Louisiana at the time of Katrina, a lot more people could have escaped some of the fear and the anxiety and the deaths and illnesses that struck people as a result of that terrible storm. Let's get on with it.

We have a commitment under the regular order of business to vote at 4 o'clock on an amendment that talks about showing the subsidy per ticket, offered from our colleague from South Carolina, to make certain that we identify how much we are spending on a subsidy.

We are not saying the same thing has to be done on an air ticket. Aviation is essential. Airlines helped connect this country. We are able to get coast to coast, long distances, in a relatively short time. We subsidize these for-profit companies. They are businesses. Amtrak is a not-for-profit company, so we are going to have to subsidize it. I think now what we are saying is we are stepping up to the plate and getting on with it.

I hope my colleague from South Carolina will be able to join us because the time now will be charged to the time allotted for debate. I am going to suggest the absence of a quorum while we wait and ask the time for debate under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I understand at 4 o'clock we have a vote on DeMint amendment No. 3467. I would summarize again the purpose of this amendment and what it entails. We have talked about the importance of disclosure, in letting the American people know how Government operates and actually what it costs them.

When it comes to Amtrak, we are all very aware that there are heavy subsidies for Amtrak. This works out to an average of over $210 a ticket across the country. In some parts of the country Amtrak is working very well and in other parts of the country, the Federal Government is subsidizing over $500 a ticket to keep this going.

Mr. LAUTENBERG. Mr. President, we have about 6 minutes left. I suggest we divide it between us so that we have a couple of minutes to respond to the Senator.

Mr. DEMINT. That is fine. I will take a couple more minutes.

My amendment requests full disclosure of the costs of subsidies for each ticket. This would allow passengers and all Americans to know that when they buy a ticket, how much tax dollars go in, in addition to what they pay, to subsidize the price of their ticket.

This will do a number of things, I think, that are important. It will not only let the American people know how much they are spending to keep Amtrak going, it will force Amtrak to actually calculate the real costs of operating their lines throughout the country.

In order for us as a Congress to make good decisions about Amtrak and allow them to make good decisions about which lines should be discontinued, which ones should be continued, it is important for them to calculate the cost. Right now the way they calculate costs does not allow them to determine the real costs for their lines. I want to make clear we are not trying to cut any funding in this amendment from Amtrak. We are not asking to do anything but what a normal business would do; that is, to calculate the real cost of operating each of their lines.

It is the same as asking a business to determine the cost of all of their product lines so they can determine which are profitable, which are not. In this case, we will determine not only which ones are not profitable, and how much in subsidies there is, but what the real costs are for each line.

I encourage my colleagues to support this as a measure of disclosure for Amtrak, not in any way to harm Amtrak or their operations. I think it is a way to help them be more efficient in the future.

With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again to the Senator from South Carolina who just left the Chamber, I appreciate the way he has approached this. He did not come in and condemn it; he looked at it. He had some ideas, and several of them have been accepted. I think he wound up getting five of his ideas that have been accepted. So he has been a constructive force.

I have found a lot of Members assume we are trying to provide money to Amtrak without any reforms. When they

look at it, I think they are surprised at the number of requirements and plans and reform that we do include in this legislation.

But I would be opposed to this amendment. You would have to print on each individual ticket the specific amount of the Government subsidy per passenger for that route. Now, think about it. You know on its face that would take a lot of effort. It is changing. It would cost, I have heard, probably as much as $3 million. I do not want to vouch for that, but there would be some cost. But it is already available. You can get this information through the public Web site. That is available, about what the cost of the subsidy is on these tickets. So it would provide something that is already available. You would have to pay for it. We have a number of other reporting and disclosure requirements included in this bill. I think it is redundant to what we have in the bill.

We are focused on trying to reduce subsidies. The point should not be how much is it now per ticket; the point should be: How much is it aggregate and what are we going to do about it? We have got specific markers in this legislation, the metrics and standards that will be required to get us to a reduced amount of subsidy.

But, again, as I have said earlier, it is a chicken-and-egg thing. You can do it in a responsible and reasonable way and get a result or you can force things that cost money and do not achieve anything.

Also, we are not going to reduce the subsidies until we improve the service, improve the capital stock, and do a better job. That is what I believe this legislation will do. So I urge the amendment be defeated.

I again thank the Senator from South Carolina for being willing to work with us on a number of amendments he had that actually did add improvements to the bill.

With that, I yield the floor. I do not know if there is any time remaining.

Mr. LAUTENBERG. Mr. President, we need a couple of minutes. I ask unanimous consent to extend the period prior to the vote for 5 minutes so we can prepare the managers' amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3486; 3489, AS MODIFIED; AND 3469, AS MODIFIED, EN BLOC

Mr. LAUTENBERG. Mr. President, under the order, there is consent for a managers' amendment to be in order. That managers' amendment is at the desk, and I ask unanimous consent that the three amendments be considered en bloc and modified, if applicable; that the amendments be agreed to as modified, if modified; and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3486

(Purpose: To require the rail cooperative research program to include research designed to review rail crossing safety improvements, including improvements using new safety technology)

On page 105, between lines 13 and 14, insert the following:

''(12) To review rail crossing safety improvements, including improvements using new safety technology.

AMENDMENT NO. 3489, AS MODIFIED

On page 60, after line 22, add the following:

SEC. 224. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, Comptroller General shall submit a report containing the results of the study conducted under this section to—

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT NO. 3469, AS MODIFIED

On page 16, between lines 5 and 6 insert the following:

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

VOTE ON AMENDMENT NO. 3467

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3467. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 27, nays 65, as follows:

[Rollcall Vote No. 399 Leg.]

YEAS—27

Allard	DeMint	Kyl
Barrasso	Dole	Lugar
Bond	Ensign	McConnell
Brownback	Enzi	Roberts
Bunning	Graham	Shelby
Burr	Grassley	Sununu
Chambliss	Gregg	Thune
Coburn	Inhofe	Vitter
Cornyn	Isakson	Voinovich

NAYS—65

Akaka	Durbin	Mikulski
Alexander	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Hagel	Nelson (FL)
Bennett	Hatch	Nelson (NE)
Bingaman	Hutchison	Pryor
Boxer	Inouye	Reed
Brown	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Smith
Cochran	Lautenberg	Snowe
Coleman	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Stevens
Corker	Lincoln	Tester
Craig	Lott	Warner
Crapo	Martinez	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	

NOT VOTING—8

Biden	Harkin	Sessions
Clinton	McCain	Wyden
Dodd	Obama	

The amendment (No. 3467) was rejected.

Mr. CARDIN. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Mr. President, I rise today in support of the Passenger Rail Investment and Improvement Act of 2007. First I would like to thank Senator LAUTENBERG and Senator LOTT and their staff for all of their hard work on this bill. This bill is the product of true collaboration and I am proud to be an original cosponsor. Serving nearly 26 million riders each year, Amtrak provides an invaluable service to travelers and commuters all over the country and particularly along the Northeast corridor.

Unfortunately, in the past few years, we have seen efforts to fully fund and modernize Amtrak thwarted, leaving Amtrak repeatedly underfunded by the administration. This bill will end this pattern of stop-gap funding and provide Amtrak with the resources it needs to improve service and passenger safety as we move forward. As you know, many of the security measures initially included in this bill have already been signed into law as part of the Implementing the 9/11 Recommendations Act. I congratulate my colleagues on

these accomplishments as these measures will significantly strengthen the security of our passenger rail system.

As Amtrak formulates its plan for the future, it is important that it has the funding and support needed to maintain the system and restore operations to high performance levels. By authorizing $10 billion over the next 6 years for repairs and operating costs, in addition to millions in grant funding, Amtrak will be able to accomplish this goal and meet the transportation and safety needs of travelers who rely on the system. This bill will also ensure that Amtrak is able to restore the Northeast corridor—the most heavily trafficked stretch of the system—to a state of good repair by the end of 2012. This corridor is relied upon by leisure and business travelers alike and is an integral part of the Northeast economy. I am proud to be an original cosponsor on this bill and believe it provides Amtrak with a solid blueprint for the future.

In New York particularly, Amtrak is indispensable to the economy and business community. Thousands of riders travel daily to New York City for meetings, to visit family and friends or for an early dinner before a Broadway show. Amtrak offers New Yorkers reliable and hassle-free access to cities all along the east coast, making it a crucial mode of transportation for hundreds of thousands of travelers each year.

I am committed to working with my colleagues to continue to improve passenger rail service through Federal support and increases in safety and security and I look forward to the final passage of this bill.

Mr. SMITH. Mr. President, as ranking member of Senate Commerce Committee's Subcommittee on Surface Transportation, I rise to speak in the support of the Passenger Rail Investment and Improvement Act of 2007. This bill reflects several years of work by Senators LAUTENBERG, LOTT, myself and many others to reform our Nation's passenger rail system.

Over the 6-year life of the bill, Amtrak's operating subsidy is reduced by 40 percent through cost cutting, restructuring, and reform. This bill authorizes funding for Amtrak's capital and operating needs to maintain current operations, upgrade equipment, and return the Northeast Corridor to a state of good repair.

While I know that there are some who argue that this bill does not go far enough, I do believe that it is a step in the right direction. In particular, I believe that the State-Amtrak partnerships outlined in this bill—with respect to both the cost allocation and capital match—will be key to ensuring the long-term viability and growth in ridership of intercity passenger rail.

I have long advocated for the establishment of an equitable system for States to pay their fair share toward the operating costs related to Amtrak corridor routes. In the Northwest, Amtrak operates the Amtrak Cascades, which provides daily service between Eugene, OR and Vancouver, British Columbia. This service is supported through operating funds provided by the States of Oregon and Washington.

With almost 700,000 riders last year, the Amtrak Cascades is the seventh most heavily traveled corridor in the country and represents a model for partnership among States, Amtrak, freight railroads and local communities. Currently, however, Oregon is one of only 14 States that provide operating funds to support and maintain Amtrak's service. This bill would help change that.

On the capital side, this bill encourages States to get more involved with our national passenger rail system by creating a new State Capital Grant program for intercity passenger rail capital projects.

The program makes grants to a State, or a group of States, to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. The Federal match is 80 percent. Providing States with this option will be a valuable tool to assist them in their transportation planning.

Across the country and across all transportation modes, congestion is becoming more and more of a problem, and, unfortunately, it is only going to get worse. Increasing the use of passenger rail, particularly within more densely populated corridors such as the Cascades corridor I mentioned earlier, should be part of our national strategy to fight congestion.

It should be noted that intercity and commuter passenger railroads are one of the cleanest forms of transportation. On a per passenger mile, Amtrak is 17 percent more energy efficient that domestic airline travel and 21 percent more efficient than auto travel.

Finally, I want to talk quickly about ridership and financial performance. In fiscal year 2007, Amtrak ridership increased to 25,847,000, marking the fifth straight year of gains and setting a record for the most passengers using Amtrak since its creation in 1971.

Additionally, total ticket revenue for the fiscal year topped $1.5 billion, up 11 percent over the previous fiscal year.

More people are using Amtrak today than ever before, and given the transportation capacity constraints our country will face in the coming years, I believe it would be a mistake if we didn't make the investments now—in both time and money—to try to reform the system to ensure that passenger trains are a viable transportation alternative in the future.

I don't believe that this is a perfect bill, but I do believe that it is a step in the right direction, and I hope my colleagues will support it.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Passenger Rail Improvement and Investment Act of 2007. I commend Senators LAUTENBERG, CARPER, and LOTT for their excellent work on this bill, and I am proud to co-sponsor it.

Amtrak is certainly important to my home State of Connecticut. Amtrak operates 46 daily trains in Connecticut, serving almost 1.5 million passengers each year. New Haven is the twelth busiest train station in the entire Amtrak system, with over 630,000 passengers annually. Amtrak is also a significant employer in my State, providing 575 jobs to Connecticut residents.

These Connecticut facts provide me with robust reasons to champion Amtrak, but I also believe that we must have a strong national passenger rail system. We rely on the heavily used Northeast corridor to provide a convenient transportation option for those traveling between Washington, DC and Boston. The capital funding authorization in the legislation before us will require that Amtrak develop a spending plan to improve infrastructure along the corridor, which will lead to reduced travel time and delays.

There is also an important environmental reason to support Amtrak. Global warming is a real problem, and we need to figure out sensible ways to reduce our reliance on foreign oil. We can only solve this national crisis if we work together collectively. As far as Amtrak is concerned, we cannot focus solely on the East and West coast train corridors. Instead, we need to figure out ways to increase ridership for as many routes as possible. This bill requires Amtrak to become more efficient in delivering its long distance service by implementing performance improvement plans for trains with low ridership.

The Passenger Rail Investment and Improvement Act also creates a new State Capital Grant program for intercity passenger rail projects. With a Federal match of 80 percent, the Secretary of Transportation will select worthy projects based on environmental impact, economic benefit, and anticipated ridership. I want to underscore the importance of this new grant program. The era of cheap oil is over, and our Nation's security depends on implementing innovative energy and transportation alternatives.

The last Amtrak authorization bill expired in 2002, so the time for this bill's passage is overdue. Amtrak deserves a stable funding blueprint for the next 5 fiscal years. Without such certainty, it is impossible for Amtrak to succeed and meet the considerable challenges and goals we have placed before them.

I commend my colleagues again for a job well done on a bipartisan piece of legislation that builds a strong consensus on the next generation of passenger rail in the United States.

Mr. CASEY. Mr. President, I rise today in strong support of S. 294, the Passenger Rail Investment and Improvement Act of 2007, offered by Senators LAUTENBERG and LOTT. I signed on as a cosponsor of this bill soon after

it was introduced because this legislation provides a much-needed and long overdue investment in the future of passenger rail in our country.

The benefits of a strong passenger rail network are clear: Amtrak helps reduce congestion on our highways in an environmental-friendly manner. Anyone who travels regularly on our Nation's highways recognizes that we need a comprehensive solution to our congestion problems that involves multiple modes of transportation. We need to do so, however, in a way that reduces carbon emissions. Passenger rail is key to these efforts.

Amtrak has made great strides in recent years in terms of its on-time performance, its commitment to high speed rail, and its emphasis on increased ridership. While Amtrak still has work to do on the longer distance routes serving Pennsylvania and other parts of the country, the well-documented ontime performance of the Acela Express in the Northeast corridor is a perfect example of the possibilities that result from appropriate investments in rail infrastructure. At the end of fiscal year 2007, Amtrak officials reported that ontime performance for Acela Express was 87.8 percent, up more than 3 percent over the same period in 2006.

The Northeast corridor is not the only area where Amtrak is making progress. Pennsylvania's Keystone line, operating between Harrisburg and Philadelphia, ranks fifth in ridership and revenue growth among all Amtrak services. Many of my constituents use this line to travel between Harrisburg and Lancaster and on to Philadelphia and New York.

The legislation we are considering here today also would create a new State Capital Grant Program for intercity passenger rail capital projects. The program would authorize the awarding of grants to a State, or a group of States, to pay for the capital costs of infrastructure, facilities, and equipment necessary to provide new or improved intercity passenger rail. This new program is particularly of interest in Pennsylvania, as we continue to look at reinstituting routes, particularly between Scranton and the New York metropolitan area.

Finally, it is my hope that this new investment will spur Amtrak to address outstanding labor issues that have simply gone on for too long. Amtrak's infrastructure upgrades should be coupled with investments in its workforce, and I, along with many of my colleagues in the Senate and the House, will continue to closely monitor this situation in the coming weeks and months.

Thank you. I urge my colleagues to support this important bill.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Passenger Rail Investment and Improvement Act of 2007.

The bill before us today would authorize an increase in Federal funding for the operation and development of passenger rail services, reauthorize Amtrak for an additional 6 years, and provide much needed reform of the Nation's rail system.

This legislation makes an important first step to establish high-speed rail systems throughout the United States.

A strong national rail system provides Americans with a practical transportation alternative, helps to alleviate traffic congestion on our Nation's highways and reduces harmful greenhouse gas emissions.

This legislation would also require an increase in financial and operation transparency and accountability at Amtrak, reduce Federal operating subsidies, and improve train performance and customer service.

Today, Amtrak serves nearly 25 million riders each year at more than 500 stations across 46 States.

Amtrak is also one of the Nation's largest providers of contracted commuter service for State and regional authorities. Over 60 million commuters in California, Maryland, Connecticut, Washington, and Virginia take Amtrak to work each year.

California's partnership with Amtrak represents the largest State-supported passenger rail program in the United States. Each day, Amtrak operates approximately 70 intercity trains and 100 commuter trains in California.

Amtrak's corridors in California are also among the busiest in the Nation, with more than 10 million Californians boarding Amtrak during fiscal year 2006.

The Pacific Surfliner service from San Diego through Los Angeles is the second busiest corridor in the United States with over 2.5 million riders in 2006.

The Capitol Corridor service between Sacramento and San Jose is the third most traveled corridor in the country with over 1 million riders in 2006.

Home to two of the Nation's top five most congested cities in the United States, my home State of California understands the importance of viable travel alternatives.

Passenger rail services have helped ease highway congestion, reduce automobile emissions and improve the State's air quality.

California is well ahead of the curve on developing a transportation system that has low environmental impact yet meets the growing needs of the California economy.

But there is still much more work to be done.

It is expected that California's population will grow to more than 50 million people by 2030.

California would need to build about 3,000 additional lane-miles on intercity highways and over 90 new gates and five new airport runways to serve the expected population in 2030.

The State of California and the California High-Speed Rail Authority are working to develop a high-speed rail system which would stretch from San Francisco, Oakland and Sacramento in the north, to Los Angeles and San Diego in the south.

With trains operating at speeds up to 220 mph, the travel time from downtown San Francisco to Los Angeles would be just under 2½ hours.

As envisioned, California's high-speed train system could accommodate nearly 120 million passengers annually by 2030.

This state-of-the-art rail system would take millions of cars off the road, ease traffic congestion, reduce greenhouse gas emissions, and allow people to travel faster, safer and more comfortably.

To move our great Nation into the next era of modern, efficient, environmentally friendly transportation, all levels of public and private finances and resources must be brought to bear. This legislation is an important first step.

Investment in America's passenger rail system is important for California. It is important for this Nation. I urge my colleagues to join me in support of this legislation.

Mr. DURBIN. Mr. President, I thank Senators LAUTENBERG and LOTT for their hard work in bringing this important bill to the floor. They have worked on this issue for years and have always done so in a bipartisan manner.

I am proud to be an original cosponsor of this bill which helps our Nation in many ways, not the least of which is relieving congestion on our overcrowded transportation system.

We are facing a congestion crisis in this country today, and the problem is only getting worse. Congestion causes Americans to travel 4.2 billion hours longer and purchase an extra 2.9 billion gallons of gas each year, for a total congestion cost of $78 billion. This is an increase from 2004 of 220 million hours, 140 million gallons of gas, and $5 billion. The Texas Transportation Institute calculates that the cost to the average traveler is $710 a year.

Americans are not just facing congestion on our roads; we're facing it in our skies and at our airports too. Across the country, flights are being delayed longer and longer, while passengers sit in the terminal or are forced to sit on the tarmac. Airlines are overwhelmed trying to balance the increased demand for air travel with the shrinking space in our skies.

Amtrak is a big part of the solution to this congestion crisis. Amtrak trains take cars off the roads and offer passengers a faster, more comfortable alternative to air travel for short-distance trips.

Furthermore, the average Amtrak train emits two-thirds less global warming pollution per passenger mile than cars and trucks and half the global warming pollution of airplanes. We can already see the environmental benefits of Amtrak service, despite centuries-old tracks and aging equipment. This bill is critical because it will lay the groundwork for Amtrak to achieve its full potential.

The technology behind trains continues to improve and is more efficient. With the right Federal investment, we can see energy-efficient, high-speed trains moving passengers between cities cleaner and quicker than by car or plane.

We are beginning to see these benefits in my home State, as the State of Illinois doubled its investment in passenger rail last year. Thanks to that investment, Amtrak trains in Illinois have seen phenomenal growth on the trains from Chicago to St. Louis, Quincy, and Carbondale. This past year, those three routes saw the greatest increase in ridership of any line in the Amtrak system.

The Chicago-Quincy routes—the Illinois Zephyr and the Carl Sandburg—have seen 41.4 percent growth in ridership in the last year.

The Chicago-St. Louis line—the Lincoln—saw a 55.8 percent increase in ridership since we have expanded service.

The Chicago-Carbondale routes—the Illini and the Saluki—have seen an outstanding boost of 67.4 percent.

These routes helped propel Amtrak to its fifth straight year of record ridership and ticket revenue.

The demand is only increasing, as even more Illinois communities are clamoring for passenger rail service. The Illinois Department of Transportation and Amtrak have released a feasibility study demonstrating that passenger rail service from Chicago to Rockford is very competitive with car travel, and we expect another feasibility study soon, which will show that the same is true for service from Chicago to the Quad Cities.

In States such as Illinois that invest in passenger rail, we are seeing fewer cars on the road and increased economic activity along the train lines. The Passenger Rail Investment and Improvement Act of 2007 recognizes theses benefits and rewards States that make capital and operating investment in passenger rail.

I also thank the managers of this bill for including the State Capital Grants Program, which will give States real incentives to invest in expanding passenger rail corridors. The Illinois model proves that with the right investment, we can move Americans out of traffic jams and into a cleaner, more reliable mode of transportation.

Today, we are considering Amtrak's authorization, an authorization that expired in 2002. We already have let too much time pass without capitalizing on the huge demand for passenger rail service. We must pass this bill now to pave the way for the restoration and expansion of Amtrak.

Amtrak's success is despite the President's repeated underfunding—or nonfunding—of passenger rail in his budgets. It is a testament to the Senate and to the Congress that we have repeatedly rejected attempts by the administration and others who oppose Amtrak.

Now as we stand at a crossroads of rail service in the United States, communities are increasingly vocal about their demand for cheaper, cleaner transportation options. Intercity rail service is an integral component to meeting these needs. The expansion of Amtrak service is far more than refitting rails and building new stations; it is about economic development, relieving congestion on our roads, improving our environment, and making life easier for future generations.

I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. Under the previous order, all time postcloture is yielded back and the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LAUTENBERG. Mr. President, the yeas and nays have been ordered, I believe. They have not?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HARKIN) would each vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 70, nays 22, as follows:

[Rollcall Vote No. 400 Leg.]

YEAS—70

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Bennett	Hatch	Pryor
Bingaman	Hutchison	Reed
Boxer	Inouye	Reid
Brown	Johnson	Roberts
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Corker	Lincoln	Stevens
Cornyn	Lott	Tester
Crapo	Lugar	Warner
Dole	Martinez	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	
Durbin	Mikulski	

NAYS—22

Allard	Craig	Kyl
Barrasso	DeMint	McConnell
Bond	Ensign	Sununu
Brownback	Enzi	Thune
Bunning	Graham	Vitter
Burr	Gregg	Voinovich
Chambliss	Inhofe	
Coburn	Isakson	

NOT VOTING—8

Biden	Harkin	Sessions
Clinton	McCain	Wyden
Dodd	Obama	

The bill (S. 294), as amended, was passed, as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passenger Rail Investment and Improvement Act of 2007''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 210A. Report on service delays on certain passenger rail routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.

Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Amtrak management accountability.
Sec. 223. Locomotive biodiesel fuel use study.
Sec. 224. Sense of the Senate regarding the need to maintain Amtrak as a national passenger rail system.
Sec. 225. Passenger rail study.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service; State rail plans.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.
Sec. 306. Passenger rail system comparison study.

TITLE IV—MISCELLANEOUS

Sec. 401. Strategic plan on expanded cross-border passenger rail service during the 2010 Olympic Games.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2007, $580,000,000.
(2) For fiscal year 2008, $590,000,000.
(3) For fiscal year 2009, $600,000,000.
(4) For fiscal year 2010, $575,000,000.
(5) For fiscal year 2011, $535,000,000.
(6) For fiscal year 2012, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2007, $813,000,000.
(2) For fiscal year 2008, $910,000,000.
(3) For fiscal year 2009, $1,071,000,000.
(4) For fiscal year 2010, $1,096,000,000.
(5) For fiscal year 2011, $1,191,000,000.
(6) For fiscal year 2012, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2007.
(2) 11 percent for fiscal year 2008.
(3) 23 percent for fiscal year 2009.
(4) 25 percent for fiscal year 2010.
(5) 31 percent for fiscal year 2011.
(6) 33 percent for fiscal year 2012.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this Act for fiscal years 2007 through 2012.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2007, $153,900,000.
(B) For fiscal year 2008, $153,400,000.
(C) For fiscal year 2009, $180,600,000.
(D) For fiscal year 2010, $182,800,000.
(E) For fiscal year 2011, $189,400,000.
(F) For fiscal year 2012, $202,600,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2007, $139,600,000.
(B) For fiscal year 2008, $131,300,000.
(C) For fiscal year 2009, $121,700,000.
(D) For fiscal year 2010, $111,900,000.
(E) For fiscal year 2011, $101,900,000.
(F) For fiscal year 2012, $90,200,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2007, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2007 through 2012 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2008, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2008, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

''(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2007; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons.''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

(e) AMTRAK'S MISSION.—

(1) Section 24101 is amended—

(A) by striking ''**purpose**'' in the section heading and inserting ''**mission**'';

(B) by striking subsection (b) and inserting the following:

''(b) MISSION.—

''(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).

''(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on Amtrak's ability to carry out the mission described in paragraph (1).''; and

(C) by redesignating paragraphs (9) through (11) in subsection (c) as paragraphs (10) through (12), respectively, and inserting after paragraph (8) the following:

''(9) provide redundant or complimentary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 241 is amended by striking the item relating to section 24101 and inserting the following:

''24101. Findings, mission, and goals''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of directors

''(a) COMPOSITION AND TERMS.—

''(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

''(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at board meetings by the Secretary's designee.

''(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2007. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2012—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

(15) prior fiscal year and projected equipment reliability statistics; and

(16) capital and operating expenditure for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, 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 Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each relevant State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a single, Nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by intercity passenger rail service or by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this Act to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Seattle and Chicago (commonly known as the ''Pioneer Route''), which was operated by Amtrak until 1997, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the Pioneer Route or along segments of such route.

(f) NORTH COAST HIAWATHA ROUTE.—Not later than 1 year after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Chicago and Seattle, through Southern Montana (commonly known as the ''North Coast Hiawatha Route''), which was operated by Amtrak until 1979, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the North Coast Hiawatha Route or along segments of such route, provided that such service will not negatively impact existing Amtrak routes.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

''(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

''(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate an investigation to determine whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over tracks of which the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operator. As part of its investigation, the Board has authority to review the accuracy of the train performance data. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

''(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

''(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

''(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

''(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

''(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).''.

(b) FEES.—The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board's services pursuant to this Act. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this Act. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.

(c) AUTHORIZATION OF ADDITIONAL STAFF.—The Surface Transportation Board may increase the number of Board employees by up to 15 for the 5 fiscal year period beginning with fiscal year 2008 to carry out its responsibilities under section 24308 of title 49, United States Code, and this Act.

(d) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting ''Surface Transportation Board'';

(2) by striking ''Commission'' each place it appears and inserting ''Board'';

(3) by striking ''Secretary of Transportation'' in subsection (c) and inserting ''Board''; and

(4) by striking ''Secretary'' the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting ''Board''.

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

''§ 24710. Long distance routes

''(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007, Amtrak shall—

''(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

''(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

''(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

''(1) on-time performance;

''(2) scheduling, frequency, routes, and stops;

''(3) the feasibility of restructuring service into connected corridor service;

''(4) performance-related equipment changes and capital improvements;

''(5) on-board amenities and service, including food, first class, and sleeping car service;

''(6) State or other non-Federal financial contributions;

''(7) improving financial performance; and

''(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

''(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

''(1) beginning in fiscal year 2008 for those routes identified as being in the worst performing third under subsection (a)(2);

''(2) beginning in fiscal year 2009 for those routes identified as being in the second best performing third under subsection (a)(2); and

''(3) beginning in fiscal year 2010 for those routes identified as being in the best performing third under subsection (a)(2).

''(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

''(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

''(2) shall provide an opportunity for a hearing with respect to that determination; and

''(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

''24710. Long distance routes.''.

SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the ''Coast Starlight''); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades''); and

(2) contains recommendations for improving the on-time performance of such routes.

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

''§ 24711. Alternate passenger rail service program

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

''(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code, or any entity operating as a rail carrier that has negotiated a contingent agreement to lease necessary rights-of-way from a rail carrier or rail carriers that own the infrastructure on which Amtrak operates such routes, may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

''(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

''(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

''(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

''(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

''(B) an operating subsidy—

''(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

''(ii) for any subsequent years at such level, adjusted for inflation; and

''(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

''(b) IMPLEMENTATION.—

''(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

''(A) during fiscal year 2008 for operations commencing in fiscal year 2009; and

''(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

''(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2009 nor to more than 2 such routes for operations beginning in fiscal year 2011 and subsequent fiscal years.

''(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

''(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

''(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

''(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 and such additional performance standards as the Administration may establish;

''(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

''(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

''(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

''(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

''(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

''24711. Alternate passenger rail service program.''.

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor to a state of good repair by the end of fiscal year 2012, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

''§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing the National Railroad Passenger Corporation;

''(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

''(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

''(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The commission shall consult with other entities as appropriate.

''(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

''(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

''(2) future funding requirements for capital improvements and maintenance;

''(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(4) opportunities for additional non-rail uses of the Northeast Corridor;

''(5) scheduling and dispatching;

''(6) safety and security enhancements;

''(7) equipment design;

''(8) marketing of rail services; and

''(9) future capacity requirements.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2007, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

''(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

''(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

''(A) the Secretary;

''(B) Amtrak;

''(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

''(D) commuter agencies;

''(E) rail passengers;

''(F) rail labor;

''(G) the Transportation Security Administration; and

''(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

''(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

''(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.''.

(b) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(1) inserting ''commuter rail passenger and'' after ''between''; and

(2) striking ''freight'' in the second sentence.

(c) RIDOT ACCESS AGREEMENT.—

(1) IN GENERAL.—Not later than December 15, 2007, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) FAILURE TO REACH AGREEMENT.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-subsidization of intercity rail passenger and commuter rail passenger service, not later than October 31, 2007.

(3) INTERIM AGREEMENT.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by section 214(a) of this Act.

(d) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 30 minutes; and

(B) between New York City and Boston in 3 hours and 15 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) SECONDARY STUDY.—Amtrak shall provide an initial assessment of the infrastructure and equipment improvements, including an order of magnitude cost estimate of such improvements, that would be necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 15 minutes; and

(B) between New York City and Boston in 3 hours.

(4) REPORT.—Not later than February 1, 2008, Amtrak shall submit a written report containing the results of the studies required under this subsection 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;

(D) the Committee on Appropriations of the House of Representatives; and

(E) the Federal Railroad Administration.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on October 1, 2008.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak,

shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by November 1, 2008—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2008, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking ''plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002.'' and inserting ''plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2007, including the budgetary goals for fiscal years 2007 through 2012.''; and

(B) by striking the last sentence and inserting ''Amtrak and its Board of Directors shall adopt a long term plan that minimizes the need for Federal operating subsidies.''.

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2007 through 2012.

(c) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary of Transportation and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

(1) in Vancouver, Canada, no later than June 1, 2008; and

(2) in other areas as determined appropriate by the Secretary.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase the operation of trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

''§ 24310. Management accountability

''(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues and minimizing Federal subsidies; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability.''.

SEC. 223. LOCOMOTIVE BIODIESEL FUEL USE STUDY.

(a) IN GENERAL.—The Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which Amtrak could use biodiesel fuel blends to power its fleet of locomotives and any of its other motor vehicles that can operate on diesel fuel.

(b) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) environmental and energy security effects of biodiesel fuel use;

(2) the cost of purchasing biodiesel fuel blends for such purposes;

(3) whether sufficient biodiesel fuel is readily available; and

(4) the effect of biodiesel fuel use on relevant performance or warranty specifications.

(c) REPORT.—Not later than April 1, 2008, the Federal Railroad Administration shall report the results of its study to the Congress together with such findings, conclusions, and recommendations as it deems appropriate.

SEC. 224. SENSE OF THE SENATE REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak's long distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated $376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak's long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service. These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001 terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This Act makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak's long-distance routes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

SEC. 225. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted under this section to—

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

''Sec.
''24401. Definitions.
''24402. Capital investment grants to support intercity passenger rail service.
''24403. Project management oversight.
''24404. Use of capital grants to finance first-dollar liability of grant project.
''24405. Grant conditions.

"§ 24401. Definitions

''In this subchapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§ 24402. Capital investment grants to support intercity passenger rail service

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2007, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

''(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007;

''(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(4) ensure that each project is compatible with, and is operated in conformance with—

''(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(B) the national rail plan (if it is available); and

''(5) favor the following kinds of projects:

''(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

''(B) Projects that also improve freight or commuter rail operations.

''(C) Projects that have significant environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment.

''(D) Projects that are—

''(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

''(ii) ready to be commenced.

''(E) Projects with positive economic and employment impacts.

''(F) Projects that encourage the use of positive train control technologies.

''(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

''(H) Projects that involve donated property interests or services.

''(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

''(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

''(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

''(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(C) An obligation or administrative commitment may be made only when amounts are appropriated.

''(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the United States Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2007, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

''(f) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service and operating costs of up to $5,000,000 per fiscal year of such service in fiscal years 2003, 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded in fiscal years 2007, 2008, and 2009 under this section. The Secretary may require such information as necessary to verify such expenditures.

''(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year, beginning in fiscal year 2007, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average capital and operating expenditures made for such service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(g) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

''(A) the applicant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) PUBLIC-PRIVATE PARTNERSHIPS.—

''(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

''(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

''(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

''(B) cost-sharing of any project expense;

''(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

''(D) any other form of participation approved by the Secretary.

''(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

''(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2007 beginning in fiscal year 2008 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) DOMESTIC BUYING PREFERENCE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

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

''(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

''(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

''(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

''(A) such requirements are inconsistent with the public interest;

''(B) the cost of imposing the requirements is unreasonable; or

''(C) 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.

''(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

''(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service

occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

''(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

''(2) the Alaska Railroad or its contractors; or

''(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance ..... 24401''.

''(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance ..... 24401''.

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

''Sec.
''22501. Definitions.
''22502. Authority.
''22503. Purposes.
''22504. Transparency; coordination; review.
''22505. Content.
''22506. Review.

''§ 22501. Definitions

''In this subchapter:

''(1) PRIVATE BENEFIT.—

''(A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.''.

''§ 22502. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

''(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22503. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

''§ 22504. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22505. Content

''(a) IN GENERAL.—Each State rail plan shall contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2007 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans ..... 22501''.

''(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans ..... 24401''.

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting ''IN GENERAL.—'' before ''The Federal'' in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting ''ADMINISTRATOR.—'' before ''The head'' in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

''(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.'';

(5) by inserting ''POWERS AND DUTIES.—'' before ''The'' in subsection (d), as redesignated;

(6) by striking ''and'' after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

''(2) the duties and powers related to railroad policy and development under subsection (e); and'';

(8) by inserting ''TRANSFERS OF DUTY.—'' before ''A duty'' in subsection (e), as redesignated;

(9) by inserting ''CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—'' before ''Subject'' in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

''(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

''(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

''(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

''(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007;

''(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

''(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

''(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

''(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

''(h) PERFORMANCE GOALS AND REPORTS.—

''(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

''(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2009 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.''.

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

''§ 24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and

new high-speed wheel-on-rail systems and rail security;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations;

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations; and

''(12) to review rail crossing safety improvements, including improvements using new safety technology.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program.''.

SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

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

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE IV—MISCELLANEOUS

SEC. 401. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than one year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades'');

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I must say how satisfying it is that the Senate has done what America has asked us to do. I can't tell you how involved personally I have been in this for many years. Since my relatively early days in the Senate, going back decades, I have been interested in what we could do to make Amtrak an integral part of the transportation system, to make Amtrak easier and more reliable for the American people. They asked us to do this, to give them relief.

I wish to say to Senator LOTT how much I have appreciated working with him—not only now, but we have done so for a number of years. We have the satisfaction of seeing this bill pass and we hope on its way to becoming law. With 70 votes, this is a clear message about what the representatives of the American people are saying.

I thank Senator LOTT. It has been a pleasure working with him. As I am sure he agrees, I look forward to having more opportunities to do things in a bipartisan nature to help the American people. They asked us for relief and we are giving it to them—relief from traffic congestion, relief from lines at the airports, and relief from planes lined up on the tarmac. Today, the Senate has said to American travelers: You will have another choice, and the choice is passenger rail.

I am pleased to note the wide margin by which the Passenger Rail Investment Improvement Act of 2007 has been approved in the Senate. The bill is going to speed passenger rail service in the United States into the 21st century.

There are many people I wish to thank in addition to my friend and colleague from Mississippi, the minority whip, Senator LOTT, who has had a long-standing commitment to passenger rail service.

I also wish to thank Senator INOUYE, chairman of the Senate Committee on Commerce, Science, and Transportation, for giving me the privilege of pursuing and managing this legislation. His confidence has always been appreciated by me.

I thank the majority leader, HARRY REID, for his leadership and decisiveness to work to bring our bill to the floor, and I thank his staff for their support. In particular, the floor staff, including Lula Davis, Marty Paone, Tim Mitchell, and Trisha Engle. On the Republican side, everybody was cooperative. I thank David Schiappa, Laura Dove, and Jodie Hernandez.

I also thank all of our cosponsors of the bill. I particularly wish to focus on Senator CARPER's help and his hard work and constant support for Amtrak, along with all of our cosponsors' dedication and commitment to improving travel in America.

I thank Alex Kummant, the CEO of Amtrak, and his government affairs staff, including Joe McHugh and Caroline Decker.

I thank my staff, of which I am very proud. They are always there, no matter what the hours or the intensity of the work are. They are there with their support, their knowledge and research and their constant concern for making sure we do things right. My staff includes David Matsuda, Dan Katz, Doug Mehan, and Meg Slachetka.

Mr. LOTT. Mr. President, will the Senator yield briefly? I have another commitment off the floor.

Mr. LAUTENBERG. Yes.

Mr. LOTT. Mr. President, I wish to acknowledge the Senator's kind remarks. It was a pleasure working with him on this legislation. It has been a long time coming. I appreciate the active involvement he has had, along with other Senators on both sides of the aisle, including Senator CARPER of Delaware.

There is a long history of trying to get this passed freestanding through the Senate. We have to give credit to our leadership and to Senator REID in particular. He had to make this happen. We tried last year repeatedly to get it freestanding or to get a window to offer it. We never could get it agreed to at that time. Senator REID carved out a pretty big block of time for a Transportation bill. He didn't have to do that. He deserves credit for that.

I also thank my staff, including Anne Marie Turner, who is here with me; Chris Bertram, who has been working with me for years; and Beth Spivey. Our staffs work together great. I am pleased with the Republicans who voted for it and probably all of the Democrats voted for it. I hope the House will act on this expeditiously. This could be a big step in the right direction. I thank my colleagues on both sides of the aisle for their cooperation. I hope we can do more of this sort of thing in the future. I thank the Senator for letting me interrupt his remarks.

Mr. LAUTENBERG. Not at all. I, too, thank Anne Marie Turner of Senator LOTT's staff. She was always there, and I could tell by the expression on her face at a given moment whether we were on the right or wrong track in talking about Amtrak. I also thank Chris Bertram and Beth Spivey of his staff as well.

I thank the staff from the Senate Commerce Committee, including Stephen Gardner, who is always so helpful and has extensive knowledge about transportation. Chairman INOUYE was so gracious in making sure we were supported with the assistance of Mr. Gardner. Also, I thank Melissa Porter, who is on loan as a detailee from the Federal Railroad Administration; Shira Bergstein, from Senator INOUYE's majority staff; Betsy McDonnell and Dan Neuman, from Senator GORDON SMITH's and Senator STEVENS's Committee minority staff.

Getting legislation passed by this body takes a lot of work, and these folks are to be commended.

Everyone knows our highways are jammed. We don't have to tell them that from here. All they have to think about is what time they get out of work and what time they get home and what time do they have to leave in the morning to get to work on time. In New Jersey, the most densely populated State in the country, we spend 300 hours commuting by car every year. Fifteen percent of that time is wasted sitting in traffic, creating pollution, creating anxiety, anger, frustration, and bigger bills as gas prices go up at the same time.

With more than 220 million vehicles on the road and the population projected to pass the 400 million mark before 2050, congestion will remain a major challenge if cars and trucks remain the dominant mode of travel.

I mentioned earlier in this debate that our population in 1971, when Amtrak was developed as a government corporation, was 200 million. Now, barely 36 years later, we are 300 million. We haven't made much progress in upgrading our rail systems even after our country has grown by 100 million people.

And now we are feeling the effects. Our skies are becoming jammed as more planes take to the air. Last year was the worst year for flight delays since 2000. One in four planes were late.

For travelers who fly, for instance, between Washington and the New York/New Jersey area, a 36-minute flight often becomes 2 or more hours because of delays getting off the ground and, once there, getting off the plane. I once flew up to LaGuardia Airport, and we waited an hour to get to the gate.

The airlines have admitted this and have revised their schedules to reflect that now this 36-minute flight should be expected to take 2 hours: 36 minutes in the air, and the rest of the time admiring the landscape, which is pretty dismal when you see all these planes lined up on the tarmac like cars in traffic.

Between lines of cars on the highways and long lines at the airports, America's travelers need and deserve another choice. The answer is a world-class passenger rail system.

Riding a train saves people money. The national average cost per gallon of gasoline is over $2.80 a gallon. I have even heard estimates that we will see oil at $200 a barrel before too long.

When you look at all the benefits to travelers, we see that riding a train can save time, money, and congestion in other modes of transportation.

For instance, rail service often delivers passengers directly to where they need to go, as train stations are more frequently located in city centers. I can tell my colleagues from personal experience, since I road the train as recently as this morning, that riding the train was a pleasurable experience. It gave me a chance to read, to communicate, and even nod off for a couple of minutes. It was really a nice way to travel. Passengers can work on laptops, talk on the phone, walk around on the train, and generally be productive.

Riding the train also helps secure our country's future by improving the environment. Amtrak trains are on average 17 percent more fuel efficient than passenger airlines, and 21 percent more fuel efficient than passenger cars, according to the U.S. Department of Energy.

Furthermore, trains produce fewer greenhouse gas emissions than cars, trucks, and planes, and per mile locomotives emit about 50 percent less carbon dioxide than airplanes and still less than automobiles.

Trains also save lives. If there was ever a moment that demonstrated how much America needed a passenger rail system, it was in the wake of 9/11 and Hurricane Katrina. On 9/11, when our airports were shut down, Amtrak was able to get travelers back to their families.

On 9/11, airports were shut down. Amtrak was able to get travelers back to their families. During Hurricane Katrina, trains could have helped evacuate persons from those affected cities if our Government was better prepared to employ them. Trains sat idly by waiting for passengers to come aboard to be taken away from the center of the hurricane, but they could not get to the train. The Government wasn't there to lend a hand.

There is great enthusiasm for passenger rail service in America. Amtrak's record ridership of 26 million passengers last year can attest to that fact. The potential of new railcars in our country is enormous. Efficient rail service between Chicago and other Midwest cities, such as St. Louis, Detroit, and Cleveland would revolutionize the way people travel in an entire vital region of our country.

Likewise, a proposed passenger rail line serving Atlanta, Charlotte, Richmond, Washington, and points in between would allow people options besides braving Interstate 95 traffic.

If we foster passenger rail service that is viable, reliable, and comfortable, many will choose rail as an alternative, and Amtrak's record ridership has proven that fact.

Today's action by the Senate is a victory for anyone who is tired of sitting in traffic or waiting in an airport and for people who work so hard to make a living and often live far away from work, far away from their homes. I remember a conversation I had with a man who worked in New York City who bought a house 50 miles away from his job. His thought, he said, for him and his family, in addition to seeing some green space, was that he would save money, he would be able to put his children in a house with some room. Now when I see the same man, he is distraught because of the cost for gasoline. The cost for the time lost in traffic outweighs the advantages he

thought he would have. That is not an uncommon situation.

Mr. President, I thank my colleagues for their support and look forward to completing this legislation in this Congress and getting it signed into law.

I look forward to hearing from our colleague, Senator CARPER from Delaware, who worked so hard and has for many years. He is a frequent user, as they say of Amtrak, that is. We appreciate his hard work and the opportunity we shared to work together to get this legislation considered and passed today in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator LAUTENBERG is still on the floor, I wish to express my thanks and the thanks of my constituents in Delaware to him and Senator LOTT for the partnership they forged in bringing us to the reauthorization victory we celebrate this afternoon.

Stephen Gardner is still on the floor. Stephen was a member of my personal staff when I was first elected to the Senate. He is succeeded by Beth Osborne. We have a great working relationship with him. He has great talent. He is someone who has not just been in Washington and the Senate, but he worked for railroads in the past, including Amtrak. Given his experience, he was invaluable in providing guidance and support in this process.

I wish to speak briefly, and then I am going to make a unanimous consent request that we go into morning business so that Senator ALEXANDER and I may engage in a colloquy on another matter.

Let me say this: I have come from a meeting at the other end of the Capitol, that may still be going on, that started around 2 o'clock. I stayed for almost an hour and a half. The meeting involved members of organized labor and several leaders in the House of Representatives who have jurisdiction, Democrat and Republican, over infrastructure and passenger rail. The meeting was driven in part because of the threat of a potential work stoppage on our passenger rail system. It turns out that most Amtrak employees, hourly workers who work in the shops and work on the trains, have not had a pay raise in about 7 or 8 years.

That is not a good situation. In fact, I think it is a grossly unfair situation and very much a sad situation for them and for their families.

My hope, and part of my encouragement and support for this legislation, is that I think it provides a roadmap for going forward with passenger rail service in this country in the 21st century. We need a roadmap.

Senator LAUTENBERG and others have spoken as to why we need to do things differently—congestion on our highways and in our airports, in the skies, enormous reliance on foreign oil, too much bad stuff going into our air. There are all kinds of reasons people are beginning to ride trains more and more and why we need to provide supporting leadership at the Federal level, at the same time entering into partnership with State and local governments.

The beauty behind this legislation is that the Federal Government says we are going to take charge and upgrade the Northeast corridor, bring it to a state of good repair. In doing that, we unleash the potential in the Northeast corridor, including bringing in the more expensive high-speed Acela train which I helped create as a member of the Amtrak board when I was Governor of Delaware, to the extent we can just let them run at 100 miles an hour, 110, maybe something close to 150 miles an hour. Their ontime performance is up to 90 percent, and we would like to make it higher so we can fill up the seats on the Acela. We are close to doing that. They can be a cash cow in generating revenues we need to support other passenger rail service in the Northeast corridor and in other parts of the country.

One of the good provisions in this legislation is bringing the Northeast corridor into a state of good repair and authorizing money to be spent for that purpose, for capital improvement. Amtrak for years has been starved for capital. Along with providing pay raises for the employees, that is first and foremost what we need to do.

A second major change in this legislation, for areas outside the corridor, whether it is Tennessee or Colorado, in places where we have densely populated corridors, where the State and local governments would actually like to have high-speed or higher speed rail and run trains, maybe just for 200 miles or 300 miles, and provide better service such as they are doing out of Chicago and out of the west coast where ridership is up 10, 20, 30, even 40 percent—States are involved in that partnership with the Federal Government.

This legislation says if a Governor of a State—Senator ALEXANDER and I are former Governors. When we were Governors, if we wanted to enter into an agreement with the Federal Government to build a new road or highway, the Federal Government would provide 80 percent. If we wanted to get improvements to our airports, the Federal Government provided 80 percent of the money and the State provide 20 percent. If we wanted improvements with respect to transit service, the Federal Government would provide 50 percent, and the State would provide half.

But a better solution, a more cost-effective solution, happens to be intercity passenger rail, and the Federal Government provided zero and the State had to provide all the money. Even if intercity passenger rail was a smarter solution, it received no support from the Federal Government. This bill changes that situation. It puts passenger rail funding on the same level as airports and the same level as roads, highways, and bridges.

It makes a whole lot of sense. If States believe they would rather spend their 20 percent on airports, roads, highways, or bridges, they can do that. But if they think rail makes sense as part of the solution, they can do that as well with the same kind of incentive. That is good.

There are a bunch of long-distance trains that don't make money; they lose money, quite a bit of money. We have 16 long-distance trains in this country. We direct the Federal Railroad Administration to take five of those long-distance trains next year, five the year after that, and five the year after that and scrub them, look at them, look at what they are doing well and what they are doing badly and what we need to do to reduce the amount of money we are spending to provide passenger rail service in those areas.

I don't want to run trains if people don't want to ride them. That is not what we should be about. The real secret to doing well with passenger rail in this country and, frankly, other countries is to find those densely populated corridors. There are a lot of them. A lot are along the coast. Over half the people in our country live within 50 miles of one of our coasts. We have corridors up and down the east coast from Maine to Florida, the gulf coast, the west coast from San Diego up to the Canadian border, up to Vancouver, in fact.

Passenger rail can do a lot to help us there, particularly 300-, 400-mile routes. People would just as soon ride a train on the Northeast corridor than to drive or take an airplane.

Another thing that makes sense is these corridors in our country, such as Chicago to St. Louis—that is a great corridor and there are others like that corridor in other parts of the country where passenger rail can be part of the solution. Those are the kinds of things we wanted to work on, to build.

Finally, some are interested in competition for freight rail. If they want to come in and run passenger rail service, under this legislation they can compete if they want to. They are not barred from competing. They have the opportunity to do that as well, and the legislation encourages that kind of competition.

I will close with this comment. My hope is that the reauthorizing legislation we passed today will be warmly received in the House. I think it will be. I am encouraged that it will be.

Second, I hope it demonstrates to our colleagues, Republicans and Democrats, House and Senate, that we are not going to be business as usual at Amtrak. There is a new day and, frankly, a better business strategy going forward. My hope is that confidence will be reflected in greater appropriations bills, in the House and in the Senate, so Amtrak cannot only make the kinds of investments in infrastructure for Amtrak—rail, overhead wires, signaling systems, rolling stock—but also

to say to these folks who haven't had a pay raise in the last 7 years or so: We are going to address that inequity too.

My hope is we can do all those, and the passage of this legislation will help us in that direction, plus reduce a little bit of our dependence on foreign oil, plus reduce the emission of bad stuff into our air, reduce congestion at our airports and in our skies and on our highways.

If we do all that we ought to declare victory. The thing I love most about what happened here this week and last week on this bill is Democrats and Republicans did it together; we actually worked together and I applaud the efforts of Senator LAUTENBERG and Senator LOTT and I especially wish to say thanks to our leader, Senator REID, for making time on the schedule for us to have this debate, to follow through on it; and my colleagues on both sides who participated in the debate and offered reasonable amendments, some of which were adopted. This place actually functioned the way I think people of this country expect us to.

MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAX MORATORIUM

Mr. CARPER. I further ask unanimous consent that Senator ALEXANDER and I be allowed to participate in a colloquy for 10 minutes apiece, up to 10 minutes apiece for a total of up to 20 minutes. I think what I would like to do initially is yield, if I could, to Senator ALEXANDER for his comments and whatever he would like to say.

While he comes to his feet to speak first, let me say, I think the people in the country want us to work together. We have Democrats, we have Republicans, we have Independents in this country, and we realize we are not going to agree on everything. People realize that, but when we can agree, they want us to do that. They want us to use common sense, take the opportunity to work across the aisle and make sure that common sense is reflected, whether it is passenger rail service or the interest or noninterest in providing people protection from having their Internet access taxed, their e-mail traffic taxed, their instant messaging taxed.

I have had the great privilege of working with Senator ALEXANDER for 3 or 4 years—in some cases maybe longer than we would like to remember—on the issue of tax moratorium, but he has been a great partner, and I especially want to thank him for letting me be his partner and say to Senator ENZI of Wyoming and Senator VOINOVICH of Ohio, both former mayors, Senator FEINSTEIN—a former mayor herself—Senator DORGAN, former revenue director for the State of North Dakota, and Senator ROCKEFELLER, a former Governor of West Virginia, all of whom worked together as a team to try to bring us to this day, to where we are today, the House has adopted legislation we passed last year, providing for a 7-year extension of the Internet tax moratorium.

Let me say to Senator ALEXANDER what a real privilege it is for me to have an chance to work with you on all kinds of issues, including this one. I thank you for that opportunity.

The PRESIDING OFFICER. Without objection, the Senators from Tennessee and Delaware may engage in a colloquy.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Delaware. He has provided extraordinary leadership as a former chairman of the National Governors Association on the legislation that was passed. Let me be specific about what has been done.

Last Thursday, the Senate worked out a compromise and passed legislation to extend for 7 more years the moratorium on the taxation of access to the Internet. That was called the Sununu-Carper amendment, the Senator from New Hampshire and the Senator from Delaware. It was an amendment to the 4-year extension that the House of Representatives passed on October 16 by a vote of 405 to 2. I was glad to be a cosponsor of the Sununu-Carper amendment. Hopefully, the House will vote on that legislation today, if it has not already, so the President can sign it into law before the moratorium expires on November 1, which is this Thursday.

At the invitation of the Senator from Delaware, let me try to put this accomplishment into a little larger perspective. Above the Senator from Colorado, who is the Presiding Officer, is a few words that have been our country's national motto, ''E Pluribus Unum,'' one from many.

How do we make this country one from many? Not by race or not by descent but because we agree on a few principles. We have a common language, and we have a common history.

A very wise professor, Samuel P. Huntington, at Harvard, who was a former President of the American Political Science Association, said:

> Much of our politics is about conflicts between principles with which all of us agree.

For example, if we were debating immigration, we might say ''equal opportunity'' on the one hand, ''rule of law'' on the other. We all agree with both principles, but they conflict so we have an argument. That is what happened with the question of whether the Federal Government should pass a law to extend a moratorium that says States, cities, and counties cannot tax access to the Internet.

On the one hand, if you have been a Governor, as Senator CARPER and I have been, nothing makes you madder than for Members of Congress to stand up with a big idea and say let's put this into law; let's take credit for it and send the bill to the Governors, to the States and cities and the counties—because usually we find that Senator or Congressman back home in our States making a big speech about local control at the next Lincoln Day or Jackson or Jefferson Day dinner.

That is the principle of federalism on the one side: No more unfunded Federal mandates, is what we Republicans like to say. In fact, a whole bunch of Republicans, including Newt Gingrich, stood up on the U.S. Capitol steps in 1994 and said: No more unfunded mandates. If we break our promise, throw us out. The New Republican Congress passed a law in 1995, S. 1 it was called, no more unfunded mandates, that is the law of the land. If Congress wants to order States and local governments to do it, Congress should pay for it.

That was the principle of federalism. But on the other hand, we had the principle of—let's say laissez faire, for lack of a better word. If you have been in business or helped to start a business, as I also have, you want as little taxation as possible and as much certainty as possible. As the Internet grows and develops, from the very beginning, it was thought it ought to be as free as possible from multiple regulations and taxes from State and local governments. So that produced the kind of debate that often comes to the floor of the Senate, those saying on the one hand: Wait a minute, let's leave the Internet alone. Let's let it grow. Let's keep the State and local governments from taxing it, or at least from taxing access to it. And on the other hand, the States, the Governors and the mayors and the city councilmen—many of us have been in those positions before—saying: Wait a minute, it is not the job of Congress to say to Colorado or Delaware or Tennessee: You must have this service or you can't tax food or you can't tax income or you can't put a sales tax on Internet access.

In 2003 and 2004, we had a huge debate about the last extension of the Internet access tax moratorium and came to a conclusion. At that time, Senator CARPER and I asked the industry, the companies, to sit down with the National Governors Association, the National Conference of Mayors, the National Association of Counties and take these principles—federalism on the one side, laissez faire on the other—and suggest to us some ways we could craft legislation that recognized we all agree with both principles. We need to find a way to put the principles together. That is what this compromise did.

I will let the Senator from Delaware explain a little more about the details of it, but if he doesn't mind, I will go ahead a few more minutes and give a couple of examples of why the compromise is a good idea. Fundamentally,

it is a good idea because it achieves these three objectives:

No. 1, it updates the definition of what we mean by access to the Internet. It updates that definition.

No. 2, it avoids most unfunded Federal mandates. In other words, States that are now collecting—in effect, a sales tax on access to the Internet or, in some States, a gross receipts tax—in general may continue to do that during the next 7 years. It is a limited number of States, but it is still important to those States.

No. 3, it provides, after a reasonable period of time, that we come back and take a look at the whole issue. We finally decided on 7 years in the Senate so we can make sure the definition of Internet access has not changed so the law doesn't apply correctly. If anything is likely to change, it probably is the Internet.

At the time the Telecommunications Act was last written, in the middle of the 1990s, I doubt, with all respect, that most Members of the Senate even knew what the Internet did, much less used it. In 1998, when the first moratorium and the definition of Internet access tax was written, all we knew about was a telephone dial-up Internet. Yet, by 2004, we had to refashion a definition of access to the Internet to take into account that suddenly telephone calls were being made over the Internet, and States and local governments currently collect billions of dollars in local taxes from telephone services.

If the Federal Government banned that, then States would either have to raise tuition or raise some other taxes or cut services. So we decided, in 2004, that we didn't mean to keep States from making the decisions about services and taxation that they had already made, except for the connection of access to the Internet. That didn't just favor States and local governments, for us to figure that out and be accurate in our definition. It also was of great benefit to the industry because, for example, some States were taxing what is called the backbone of the Internet, which was not intended to be left out of the moratorium.

This compromise, which Senator CARPER, Senator SUNUNU and many others have worked out, I think, in the spirit of our country, takes two very important principles—laissez faire and federalism—and notices that they conflict in this question but comes to a reasonable compromise end result. So what we have is an updating of the definition of what we mean by access to the Internet. What we have is avoiding, for the most part, unfunded Federal mandates. And what we have is a reasonable period of time in which we can come back and revisit the issue, to make sure that what was happening in 2007 is still what we mean by the Internet in 2014.

I am glad to have been a part of this discussion. It went much better this year than it did in 2004, when we couldn't come to an agreement for about a year. The reason was because those affected by it—the entrepreneurs of America and the mayors, the cities, the Governors and county officials—helped us a lot by getting together, resolving their differences, and understanding each side has a legitimate point.

I am glad to be a part of it. I am glad to engage in this colloquy with Senator CARPER and I salute him for his consistent leadership and for, once again, demonstrating his ability to work well with people from many different walks of life and for being willing to work across the aisle, when that was necessary, to produce a result.

Mr. CARPER. Mr. President, if I could reply to the comments of my friend, he mentioned the fact that we do things over the Internet today that frankly we didn't think of about 10 years ago. Initially, we would do dial-up. Eventually, later on, we would have other ways to access the Internet to send our e-mail or instant messaging. I never imagined 6 years ago we would ever be able to do telephone calls over the Internet. In my State and other States as well, those States and local government depend on revenues they raise from telephone services to help pay for schools, to help pay for police, paramedics, fire service.

Now we have moved along. Folks are actually able to send TV, apparently, over the Internet. In a bunch of jurisdictions, not so much States but local governments, they actually derived some of their revenues, not inconsiderable, over the years from cable services and a tax on cable services they collect.

My dad used to say different things. Probably everybody can remember much of what your mom and dad said in your lifetime. One of the main things I remember my dad saying to my sister and me is there are two things certain in life: One of them is death, the other is taxes.

One of the other things that is certain in life is change, particularly change with respect to technology and change with respect to how we use the Internet. One of the beauties of the compromise we have hammered out here with a lot of hard work and support from Senator ALEXANDER and his staff member sitting right beside him, Lindsey, and on our side I especially thank Bill Ghent and Chris Prendergast for all their hard work and particularly our committee staffs who did a great job—but one of the beauties of the compromise we worked out is we have to come back and revisit this issue somewhere down the line 7 years from now.

The reason why that is important is because this is going to change. This technology is going to change. Our ability to use the technology and what we do with the Internet will change. It will be different 7 years from now. It is important for us to have the ability to come back.

I certainly lend a strong ''amen'' to what Senator ALEXANDER said. As Governor, he was Chairman of the National Governors Association—so was Senator VOINOVICH. We have three Members of the Senate who previously were Governors and led the National Governors Association. We fought hard as Governors in order to convince the Congress to pass the law that President Clinton signed in 1995: No unfunded mandates.

We worked hard in 1998 to make sure that as the Federal Government came in, we kind of stepped on that 1995 law, and said: Well, we want to change it a little bit, what you can collect in terms of revenues. We passed the 1998 legislation, the moratorium on Internet tax access.

They grandfathered in about nine States and said: If you are already collecting, you can continue to collect, but watch yourself there, and we said to the other 41 States, the other jurisdictions, if you are not collecting, you cannot start. But the thing I like about the legislation, we are respectful of the grandfathers, the nine States; they can continue to collect taxes as they have in the last 8 or 9 years. But they can not do something new or different.

By the same token, if they are collecting tax revenues on traditional services such as telephone and cable, they are going to be able to continue to do that. I do not know about the rest of you, but I was reminded of this—my boys have grown up in public schools in Delaware. It is important that my State have the ability to collect taxes to help educate our children in my State and other States, every other State.

We have paramedic service in our State, statewide paramedics. We have fire and police. It is important to me that the city of Wilmington, in which I live, has revenues that they need to make sure we are safe; that if we pick up the phone for 911, somebody is going to come if we need them; if we have a fire in our house or in our neighborhood, that someone is going to come and put it out. I want to make sure our city and other communities have the revenue they need to do that.

The last thing I would say here—and this goes back to something my dad used to say to my sister and me, when we would pull some boneheaded stunt. I must have done it a lot, because he used to say: Use some common sense. He must have said that 1,000 times during the time I was a little boy to the time I left and went off to college: Use some common sense.

I think what we have here, as my colleague said last week, a victory, a victory for common sense, a victory for bipartisanship, a victory that protects the rights and interests and obligations of State and local governments, a victory for those of us who want to have access to the Internet and not be encumbered by additional taxes. It is a victory in all of those areas.

It has been a pleasure working with Senator ALEXANDER and our colleagues on this one. We can set this one aside

for a while—I am sure we are both pleased to do that—and go on and maybe work on clean air issues, try to figure out how to protect the health of folks who are breathing sulfur dioxide and nitrogen oxide, and try to figure out how to do something with respect to climate change and maybe figure out how to use nuclear energy more effectively, to make all of that possible.

This has been a good—not a day's work but many months' work. I am delighted with the outcome. I thank my colleague and our colleagues who have worked with us and our staffs for getting us to this point.

The House of Representatives voted this afternoon. They took this up under suspension of the rules, the legislation we passed here last week. They passed the 7-year extension of the moratorium on Internet access unanimously, over 400-some votes to none. So we can feel good about that when we go home today.

Think about it. We have passed a good Amtrak bill, good passenger rail bill, worked across the aisle, thought outside the box. We did the same kind of thing with respect to protecting the rights of consumers, without stepping on the rights of State and local governments. I think we can be proud of that. I am, and I know my friend Senator ALEXANDER is as well.

I yield to him for any last comments he wants to make.

Mr. ALEXANDER. I thank the Senator and the Presiding Officer.

Maybe the next thing we can do as a Senate is take up the Senator from Colorado's legislation that I cosponsored, and a number of others have, on an honorable conclusion to the war in Iraq, and pass that. And then the American people might notice that with public transportation, with the Internet, and with the war in Iraq, the Congress was actually working together on issues that make a difference to them and is acting like grownups and achieving results.

This has been a good several months' work. I thank you for the privilege of working with you.

I yield the floor.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

IN MEMORY OF PORTER WAGONER

Mrs. MCCASKILL. Mr. President, there are memories you have of childhood, and some of them are good memories and some of them are interesting memories and some of them are sad memories.

I remember as a child being kind of forced to watch a TV program that, frankly, probably was not my favorite, but now, as I look back on it, I understand why my great-aunt and some of the other friends and neighbors I lived with and near in southwest Missouri loved Porter Wagoner.

Porter Wagoner has died of cancer at the age of 80. He lived in Nashville, but he is one of Missouri's. He is a Missourian who went on to distinguish himself in country music. I know his funeral will be Thursday at Nashville's Grand Ole Opry House. When his life is celebrated at his funeral, I know hundreds and thousands of Missourians will feel the loss of Porter Wagoner.

Porter Wagoner's life was a country music song. He was born on a farm near West Plains, MO. My mother's family has their roots in West Plains, MO. This is the heart of the Ozarks in the center of the south of Missouri. He was from a family that was very poor, who literally lived off the land.

In fact, Porter Wagoner bought his first guitar for $8. The way he paid for that guitar was he trapped rabbits and sold the rabbit skins and saved up $8.

His family fell on hard times, and they had to auction the farm. So they had to move into the city, the city of West Plains, MO, where Porter Wagoner got a job at the butcher shop. The butcher heard Porter Wagoner playing that $8 guitar he had gotten from Montgomery Ward and asked him to sing in the commercials for his butcher shop on the radio—and a star was born.

After he began singing in the commercials for the butcher shop, they eventually then put him on the radio to sing the advertisements in an area where people in Springfield, MO—the big city of Springfield—heard Porter Wagoner singing in those butcher shop advertisements, and he moved to a station in Springfield, MO.

In 1952, he signed a record contract with Steve Sholes, the very same RCA producer who signed Elvis Presley 3 years later.

In 1953, Porter Wagoner spent $350 to buy his first extravagant rhinestone-studded creation that he became known for. He always had these incredible outfits that were very sparkly and always involved a wagon wheel and maybe had one of his signature items, which was the fact he had put, in rhinestones, on the inside lining of the coat, in great big letters: ''Hi!'' So when you would meet Porter Wagoner, he would flash his jacket, and this friendly ''Hi!'' would beam out at you. He ended up buying over 50 of these outfits, and they epitomized the style we affectionately call ''hillbilly deluxe.'' They cost anywhere from $8,000 to $12,000 apiece.

He had many successes. He had many ups and downs in his life. In fact, recently a record was made that talked about the time he was receiving help for his mental issues in a hospital and how he went long periods of time without recording. But through the years, he had 29 top 10 hits, including ''Green, Green Grass of Home,'' ''Skid Row Joe,'' and ''The Cold Hard Facts of Life.''

There was this young blonde who he made famous. He asked her to come and sing with him on his show. It is now well known who that young blonde was because that, in fact, was Dolly Parton. If it were not for Porter Wagoner, Dolly Parton maybe never would have gotten the chance she needed to catapult her into the culture of country music in this country.

He never had the kind of fancy success that many of our stars have today, but he was like country music. His life went up and down, with very hard beginnings in terms of what he came from. He achieved great success and had low moments.

But through it all, his style was very simple—a very simple country music style.

In fact, it was very common for him to use the talking style where he would stop singing and actually talk through a song, telling the story, weaving the tale, tying the threads together, so the listeners, before the song was over, not only found themselves tapping their toe or smiling, but they would find that the heartstrings were being pulled. They would have an emotional connection to Porter Wagoner's music and the lyrics he considered so important to the essence of country music.

I know everyone in Missouri will miss Porter Wagoner. We have tributes to a lot of people on this floor. I know the people in West Plains, MO, are so proud of him. In fact, I say to the Presiding Officer, right now, if you traveled with me to West Plains, MO, and we turned onto the main drag, you would look at the street sign, and it would be named nothing other than ''Porter Wagoner Boulevard.''

He had a band called the Wagonmasters.

Tonight in Missouri—all across rural Missouri and in the urban areas of Kansas City and St. Louis—all the country music fans are proud of the fact he was one of Missouri's own. Not only will country music miss him, we will miss him in Missouri and what he has meant to our State.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized without objection.

CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT OF 2007

Ms. KLOBUCHAR. Mr. President, for months, news of recalled toys has dominated our headlines. As a mom and as a former prosecutor and now as a Senator, I find it totally unacceptable that toxic toys are on our shores and in our stores. As my 12-year-old daughter said when her favorite Barbies were recalled: Mom, this is getting serious.

Today, the Senate Commerce Committee on which I serve took action to stem the tide of recalls, to finally take lead out of children's products, to establish real third party verification, to simplify the recall process, to finally make it illegal to sell a recalled product, and to get the Consumer Product Safety Commission more resources. Our bill is the Consumer Product Safety Commission Reform Act of 2007, and it is some of the most sweeping reform we have seen in years and years and years of this agency, which is really now a shadow of its former self.

I would like to thank the Commerce Committee chairman, Senator INOUYE, for his work on this bill, as well as Commerce Consumer Subcommittee chair, Senator PRYOR, for his work, as well as Senator DURBIN and Senator BILL NELSON. We all worked together to put together a very strong bill. To me, the focus is simple. We need to get these toxic toys out of our children's hands.

Today's action by the Commerce Committee sends to the Senate floor our opportunity to effectively ban lead from all children's products—not just voluntarily, not just as a guideline, but with the force of law. I think it is shocking for most parents when they realize that we never had a mandatory ban on lead in children's products. We never had that in this country. It was a voluntary guideline, and it takes a long time, and there are delays and delays and all kinds of loopholes and requirements that have led us to the situation that we are in now.

As millions of toys are being pulled from store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in children's products.

The need for this ban for me is crystallized from a case that happened in Minnesota. Any parent can tell you the first place a new toy goes is in a little child's mouth, but that shouldn't be our first test for lead, as you will see with what happened in this case in Minnesota.

Last year, 4-year-old Jarnell Brown got a pair of tennis shoes at the store with his mom, and with that pair of tennis shoes came a free charm. His mom didn't buy that charm, he didn't buy that charm, but they brought it home, and he swallowed that charm. He didn't die from ingesting the charm. He didn't choke on it. It wasn't that his airway was blocked. He just swallowed this little charm and it went into his stomach and over a period of days, the lead in that charm went into his system, went into his bloodstream, slowly, slowly, over a period of days, and he died. When they tested him, his lead level was three times the accepted level. When they tested that charm, that charm, which was from China, was 99 percent lead.

What is most tragic about this little boy's death is that it could have been prevented. He should have never been given that toy in the first place. It shouldn't take a child's death to alert us to this problem, but that is what we have seen across this country. Parents should have the right to expect that toys are tested and that problems are found before they reach a toy box.

The legislation I originally introduced to address this problem, the lead ban, is what is included in this bill that we passed through the committee today. It basically says that lead in any children's product shall be treated as a hazardous substance. It sets a ceiling for trace levels of lead, and it empowers the Consumer Product Safety Commission to lower the ceiling even further through rulemaking as science and technology allow. It sets the level at .04, which is slightly below the voluntary guideline they have been using at the CPSC—.06. Several other States have levels around .06.

It also sets a lower level for jewelry at .02 parts per million, which is basically the level that is taking effect in California. The reason for that is not just little kids, 4-year-olds swallowing charms like the sad, tragic case in Minnesota, but also actually junior high and high school girls chewing on jewelry. It is the most direct way to get lead into their system, and that is why we set the trace lead level lower for jewelry. That was what we proposed in my bill, and that is the standard that is now included in the Commerce bill which is headed to the floor.

Just yesterday, Consumer Reports released the results of 4 months of laboratory testing for lead in children's products, and what they found was alarming: high levels of lead in items ranging from toys to jewelry to vinyl backpacks, to lunch boxes. According to a poll released by Consumer Reports, 36 percent of consumers say they will be buying fewer toys this holiday season, and 70 percent said they will be checking product labels. It is clear that consumer confidence in the safety of our toys has been shaken.

For 30 years, we have been aware of the dangers posed to children by lead paint. It shouldn't have taken us this long to take lead out of their hands and out of their mouths, and it is the Consumer Product Safety Commission's job to do just that.

In recent months, it has become all too obvious that this commission needs much reform and that it is long overdue. As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. Not surprisingly, the marketplace for consumer products has changed significantly in the last 15 years, and this summer we saw firsthand how ill-equipped the Commission is to protect our most vulnerable consumers—our children.

Today, the Commission is a shadow of its former self, although the number of imports has tripled—tripled in recent years, and as my colleagues know, all of these recalls recently have been toys from China, literally millions and millions of toys. The number of the Commission's staff and inspectors has been reduced by more than half, dropping from a high in 1980 of 978 to just over 400 today. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

Even worse, we now know the Commission has only one toy inspector. His name is Bob. He worked in kind of a makeshift laboratory, and he is retiring at the end of this year.

Repeatedly this year, we have seen that the Consumer Product Safety Commission's recall process can be very slow. In some cases, such as the recalls of the Simplicity cribs and the Magnetix toys, years passed between when the Consumer Product Safety Commission was first alerted to the problem and when it acted to recall the product in question—the result of an outdated provision that places the interests of manufacturers before the interests and safety of consumers.

The legislation passed by our Commerce Committee today goes a long way in modernizing the Commission. This legislation more than doubles the CPSC's budget authorization by the year 2015—a dramatic change—and it provides the Commission with the tools it needs to enforce our consumer protection laws.

Today's legislation will also make it illegal to sell a recalled toy, finally taking action against those bad actors out there who are knowingly leaving recalled products on their shelves or placing them for sale online.

I do at this moment thank some of the retailers that have been working with us on this bill, including Target from our State of Minnesota, as well as Toys ''R'' Us, whose CEO testified before our Appropriations Committee and was positive about moving forward and understood the need to beef up the tools for the CPSC, as well as increase resources for that agency.

Finally, I was pleased to see incorporated into our bill today the idea that we need to make it easier for parents to identify the toys when a recall happens. First of all, when a recall happens, we need to make it easier to get the information. I have talked to parents who have neighbors who put an e-mail under their door, and that is how they found out about it.

The other way is to make it easier. When they know there is a recall, currently, there is no requirement for a batch number or a date on these toys. When Thomas the Train Set is recalled,

the parents are going through the caboose, the green car, and the yellow car, trying to figure out do they have the car that was recalled. Obviously, they don't always remember the date they bought it. This can be easily fixed by putting a batch number on the toy. Obviously, you cannot do it on things such as Pick Up Stix, on individual sticks. We are reasonable about this. The bill says ''when practicable.'' You can put it on the toy where you can read it. It also requires that the batch number be put on the package. The reason it has to be put on the package is not for the parents. Except for my mother-in-law, I think most people throw the packaging away.

It needs to alert smaller retailers and people selling things on eBay. The major outlets, such as Target, are able to, once they find out what the batch number is, close down their register so those toys cannot get through. If you are selling it on eBay or if you are in a smaller store, you may have to look at the batch number to find out, such as a parent would, what is recalled.

That is why our legislation asked for the batch number to be both on the toy, when practicable, and on the packaging. We have seen too many headlines this summer to sit around and think this problem is going to solve itself.

As a Senator, I feel strongly that it is important to take this step to protect the safety of our children. When I think of that 4-year-old boy's parents back in Minnesota and about all these other children who have been hurt by these toys that they had no control over—they are little kids—we can do better in this country. We can beef up this agency that has been languishing for years, and we can put the rules in place that make it easier for them to do their job.

We cannot sit around bemoaning the results anymore. We have to act. We have our opportunity, and I hope we do it quickly.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. DURBIN. Mr. President, we are now more than halfway through our fifth year in this war in Iraq. We find ourselves stuck as an occupier in a Middle East civil war. Thousands of our sons and daughters have been killed or injured. The total financial cost may be well over $1 trillion—money, I might add, that this administration has borrowed against our children's future.

America's reputation internationally has been severely damaged and critical military, diplomatic, and intelligence resources have been diverted from the war in Afghanistan—a war I supported, and a country this administration has increasingly neglected. And now, after so many errors, so many lives, and so much damage, this administration is again raising the prospect of yet another war in the Middle East—this time a war with Iran.

I fear this administration has learned nothing from the colossal error, colossal misjudgment in the invasion of Iraq. Let me be clear: I am gravely concerned about Iran's activities in the region and its nuclear agenda. But any offensive action against Iran must be approved by Congress. The Constitution is very clear: Article 1, section 8 vests in Congress the power to declare a war. Our Founding Fathers did this for an important reason. Taking a nation into war is a serious decision and must be decided with the consent of the people. The Framers wisely gave Congress this power based on experience in other nations in which their executives too easily took nations to war in the pursuit of glory, ambition, treasure, or revenge.

In fact, as my colleague Senator BYRD of West Virginia has eloquently said in the past, it is exactly during the time of war or emergency that our constitutional principles—checks and balances, separations of powers—are the most critical.

Recent statements by this administration give me concern that this administration is considering just this—an offensive military action against Iran without the consent of Congress. Both President Bush and Vice President CHENEY have made public remarks about Iran that suggest an administration readying for military aggression. We know Vice President CHENEY's historic views on fundamental checks and balances in our constitution. They are disturbing.

For example, in 1996, the PBS documentary series, ''Frontline,'' ran an episode on the fifth anniversary of the gulf war. It included a troubling interview with DICK CHENEY, who was Secretary of Defense during the first Bush administration. In it, Secretary CHENEY said:

> I argued in public session before the Congress that we did not need the congressional authorization. I was not enthusiastic about going to Congress for an additional grant of authority. I was concerned that they might well vote no, and that would make life more difficult for us.

President George H. W. Bush, nonetheless, wisely sought, and received, congressional approval. Yet incredibly, Secretary of Defense CHENEY said at the time:

> If we had lost the vote in Congress, I would certainly have recommended to the President that we go forward anyway.

Those were his words as Secretary of Defense. Now, not only a heartbeat away from the President but also the closest counsel to the President, we know what his views are in terms of the role of Congress and our constitution. He is not alone. President George W. Bush has shown similar disregard for the role of Congress and the law with his regular use of signing statements. Let me read an excerpt from his signing statement from the 2002 Iraq war resolution. President Bush wrote that while he appreciated receiving congressional support,

> My request for it did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to U.S. interests or on the constitutionality of the War Powers Resolution.

The President was appreciative that Congress, the majority of Congress, gave their support for his war in Iraq. He made it abundantly clear at his signing statement he didn't believe it was necessary.

And in October 2005, when asked by members of the Senate Committee on Foreign Relations whether the President would circumvent congressional authorization if the White House chose military action against Iran or Syria, Secretary of State Condoleezza Rice replied:

> I will not say anything that constrains his authority as Commander in Chief.

So now we know. Not only the President but the Vice President and the Secretary of State view the Constitution, when it comes to the declaration of war, as an annoyance, not to be taken seriously, if it would in any way stand in the path of a commander in chief's agenda. Apparently, the President, the Vice President, and the Secretary of State see congressional approval for war as an option, not a fundamental requirement under the Constitution. This should trouble every American.

Let me also be clear that nothing this Congress has previously said or done authorizes offensive military action against Iran. Nothing.

Following the attacks of September 11, Congress passed Senate Joint Resolution 23 on September 18, 2001. It authorized the President to use armed forces

> against those nations, organizations, or persons against those he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11.

This language was certainly never intended to allow this President to initiate offensive military action against Iran.

Later, in October 2002, Congress passed the Authorization for Use of Military Force Against Iraq Resolution. It authorized the President to use armed forces

> to defend the national security of the United States against the continuing threat posed by Iraq.

Again, that resolution was never intended to allow military action against Iran.

Even more troubling is how this administration missed early opportunities to deal with the challenge of Iran. For example, shortly after the toppling of Saddam Hussein, moderates in the Iranian Government faxed an offer to the State Department—a ''grand bargain,'' they called it. It arrived at a time when moderates were still in power in Iran and it reportedly had the approval of the Supreme Leader Ayatollah Ali Khomenei.

The grand bargain offered to put all issues on the table with the United States—Iran's support for terrorist groups in the region, its nuclear program, among other things. Tragically, this administration ignored it, as it ignored so many diplomatic opportunities prior to the invasion of Iraq. Hell-bent on use of our great military, it ignored a diplomatic opportunity that could have been historic. The Iranian moderates were discredited, replaced by hard-line elements who today are pursuing more reckless policies in the region.

A war with Iran could have devastating consequences. It could further inflame an already intense Middle East, further radicalize terrorist organizations, lead to more death and disability, and severely disrupt trade and oil shipments in the Middle East. It could entangle our beleaguered military in yet another complex, long-term conflict.

Richard Armitage, President Bush's former Deputy Secretary of State, warned us. He said:

> It would be the worst of worlds for an outgoing administration to start a conflict.

How right he was. Accordingly, any such decision must be taken seriously and with deliberation.

Last week, I introduced a resolution affirming in very plain, concise language the constitutional requirement that this President, any President, must seek congressional approval before initiating an offensive military action, such as one in Iran. Perhaps that time may inevitably arrive—I hope not—but if it does, this President cannot stand alone or act alone. The Constitution requires that he come to this Senate and the House of Representatives in the Capitol to make his case to the American people.

I recall his press conference of 2 weeks ago. The President brought up an image which was hard to comprehend—the image of a third world war, a third world war if we didn't take action against Iran. I know Iran is a threat in the region, I know they sponsor terrorism, I know a nuclear Iran is not a stabilizing force but a destabilizing force, and yet for this President to walk away from economic sanctions, diplomatic alternatives, and to suggest that the military is the only way to prove our resolve is to once again remind us that 5 years ago this same President came to us and asked for the invasion of Iraq.

I remember Vice President CHENEY telling us our soldiers would be greeted with flowers and parades and a triumphant welcome. That lasted for such a short period of time. And now, 3,900 American soldiers, 3,900 American lives later, tens of thousands who have been injured and disabled, we find ourselves embroiled in a conflict with no end in sight.

This President is looking to the exit on January 20, 2009. This Congress has to stand with one voice, Democrats and Republicans, and remind this President that as he heads for the exit he shouldn't head America into a new war. We are not prepared for this. We don't need this. And the President needs to understand what we do need is a chief executive who will follow the Constitution.

TRIBUTE TO POLICE CHIEF JOHN KAZLAUSKAS

Mr. MCCONNELL. Mr. President, I wish to pay tribute to John Kazlauskas, who after 41 years of dedicated service, will be retiring as the Owensboro, KY, chief of police this November.

Ever since his start at the Owensboro Police Department in 1966, Chief Kazlauskas has been committed to the progress of the department and to the safety of his community. His dedication and hard work allowed him to quickly progress from a patrol officer to captain, and ultimately to the highest rank within the department, chief of police, in 2002.

Throughout his tenure, Chief Kazlauskas has played a vital role in developing several innovative internal programs that have modernized the department. Chief Kazlauskas helped to create the evidence collection unit and the polygraph unit. Chief Kazlauskas also assisted the department with its accreditation process, which involved implementing 120 standards required by the Kentucky Association of Chiefs of Police.

As chief, Mr. Kazlauskas helped improve the services offered by the local police department by further expanding the bomb squad and emergency teams, ensuring police cruisers had modern mobile data terminals, and overseeing the implementation of an electronic management system, providing a major overhaul to the records department.

Chief Kazlauskas also made a significant impact throughout Owensboro, increasing the community involvement with the department by putting into place the Citizens Advisory Panel, Crime Stoppers, and creating a public information officer position within the department. These steps have built a trusting relationship between the citizens of Owensboro and local law enforcement, making them partners in keeping their neighborhoods safe.

Chief Kazlauskas not only spent his career ensuring the safety of his community, but also contributing to the safety of this Nation. Drafted into the armed services in 1968, Chief Kazlauskas served as an Army helicopter pilot, chief warrant officer. After a tour of duty in the Republic of South Vietnam, Chief Kazlauskas received a Bronze Star with 23 Air Medal Oak Leaf Clusters for flying over 800 hours of combat time.

Chief Kazlauskas has provided constant support, always placing the well-being of his community above his own. The Commonwealth, as well as the city of Owensboro, has benefited greatly from his outstanding leadership. Mr. President, I ask my colleagues to join with me in recognizing Police Chief John Kazlauskas's unwavering dedication to his fellow officers, his community, and Kentucky.

TRIBUTE TO LIEUTENANT COLONEL GEORGE WARFIELD FLOYD CHAPMAN

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to LTC George Warfield Floyd Chapman, a war hero who sacrificed much to ensure the safety and freedom of his fellow Americans.

Lieutenant Colonel Chapman recently passed away at the age of 92, leaving behind a great legacy of faith, courage, and honor. Born in Lovely, KY, in January 1915, Lieutenant Colonel Chapman graduated from Pike Jr. College in 1937 and from Eastern Kentucky University in 1940.

In 1941, Lieutenant Colonel Chapman was drafted and commissioned a second lieutenant in the U.S. Army Infantry Division. In 1943, shortly after marrying his late wife of 64 years, Katherine Carole Coble, he was sent to Europe to fight in World War II.

In 1944, Lieutenant Colonel Chapman was captured by the German Army during the Battle of Anzio, Italy, a tragic conflict that witnessed the staggering loss of many British and American soldiers. He then spent the next year in prisoner of war camps in Germany and Poland, wounded and enduring great hardships and suffering.

Lieutenant Colonel Chapman was awarded the Silver Star and two Purple Hearts for his wartime service, but in no way do these truly reflect all that he gave for his country.

After his return from Europe, Lieutenant Colonel Chapman and his wife Katherine moved to Texas where they raised three sons. Lieutenant Colonel Chapman worked in production for the Continental Oil Company and remained active in the U.S. Army Reserve, retiring as a lieutenant colonel. By the time he retired from the Continental Oil Company in 1962, he had earned a master's degree from Texas A&I University.

Lieutenant Colonel Chapman was a hard worker who not only dedicated much of his life to his country but also to his family as a devoted husband and exceptional father. He was also a historian, maintaining an excellent knowledge and passion for understanding life, history, and politics.

Mr. President, Lieutenant Colonel Chapman will be forever remembered not only as a hero of World War II, but also as a hero in the hearts of his beloved family members. They treasure the gifts he gave to them and to his country. Lieutenant Colonel Chapman belongs to a select group of individuals to whom our country will forever be indebted. I would ask my colleagues to rise today in honor of all those who gave so much to this country, including a great Kentuckian, LTC George Warfield Floyd Chapman.

EASTER SEALS

Mr. KENNEDY. Mr. President, the charitable sector has long been an important partner with government in meeting the needs of the disabled. For more than 85 years, Easter Seals has partnered with individuals, families, businesses, communities, and government to help children and adults with disabilities live, learn, work, and participate in their communities.

Each year, Easter Seals assists more than 1 million people through its nationwide network of community-based organizations. These affiliates provide top-quality, family-focused, and innovative services to meet the specific needs of the particular community it serves.

Last year, more than 72,000 children received early intervention and childhood development services through Easter Seals. Over 54,000 adults with disabilities learned the skills and gained the confidence needed to seek meaningful employment because of Easter Seals' job training programs. Almost 35,000 children and adults with disabilities participated in confidence-building activities at Easter Seals' camping and recreation programs. Tens of thousands of children and adults with disabilities received life-changing medical rehabilitation therapies and case management services from Easter Seals.

Easter Seals has long been an effective advocate and important resource on policy issues affecting people with disabilities and their families. Its founder, Edgar ''Daddy'' Allen, lobbied the Ohio Legislature to fund services for children with disabilities in the 1920s. Today, thousands of Easter Seals volunteers and staff from across the country will continue in ''Daddy'' Allen's footsteps, meeting with their legislators to discuss the importance of low-income working families being able to obtain health insurance for their children.

Earlier this month, Easter Seals held its national convention in Washington, DC, and its supporters met with Members of the House and Senate to discuss its worthy mission. It is one of America's most respected and effective charitable organizations, and I join my colleagues in congratulating them on a very successful convention.

WOMEN'S LUNCH PLACE IN BOSTON

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend Women's Lunch Place in Boston, MA for 25 years of dedicated service to women in need in the Boston area.

The persistence of homelessness in our State has long been a focus of concern and attention for many of us in Boston and throughout our Commonwealth. Homeless persons each have their own story of their unique circumstances, but they teach us the same lesson—that we must deal more effectively with the causes of homelessness, such as drug abuse, poverty, domestic violence, mental illness, and the lack of basic skills and adequate education.

All the members of Women's Lunch Place and its supporters take well-deserved pride in the outstanding work they have done over the past 25 years in providing needed assistance for the countless numbers of women who have walked through its doors. They have made a remarkable difference in the lives of those they have touched so deeply, and all of us in Massachusetts are proud of their achievement.

The strong commitment of Women's Lunch Place has enabled these women to embark on a new life and equipped them with the support of a community and a newfound optimism for their future. As it continues its mission and its ever-expanding possibilities in the years ahead, I commend Women's Lunch Place for all it does so well.

IMPORTANCE OF FAMILY HISTORY

Mr. HATCH. Mr. President, today I wish to speak on a topic that is of growing importance to many throughout our Nation, especially in my home State of Utah. That subject is family history.

As many of my colleagues know, I have always been a strong believer in the importance of researching personal family history and learning more about our roots and heritage. For some, it is a hobby; for others, it is a passion to collect, preserve, and share genealogies, personal histories, and memorabilia that document the life and times of families around the world.

Studies show that a large majority of Americans have an interest and are actively involved in tracing their family's history. Indeed, millions of individuals throughout the United States and the world continue to utilize our Nation's libraries and archives to search the records that detail the history of our Nation, our States, our communities, and our citizens. In recent years, the Internet has also become an invaluable tool for those seeking to learn more about where they came from and what legacies they have inherited.

I have been pleased to learn that several agencies throughout the Federal Government have established programs which I believe will greatly assist our citizens in their desire to research their family history. The National Archives and the Departments of Defense, Veterans Affairs, the Interior, Commerce, and Justice have all undertaken efforts to make digital copies of American records accessible through the Internet. Once completed, these programs will ensure that countless historical documents, including military, census, court, land, justice, and probate records as well as photographs, newspapers and other sources of historical information will be preserved for generations to come.

As you might expect, Mr. President, scanning billions of documents is a daunting, as well as expensive, task. Realizing this, Federal agencies have created numerous public-private partnerships with various companies throughout the country, including some from my home State of Utah. Many of these companies do so out of an interest in helping the public gain access to important documents and are not wholly motivated by profits or gain. The expertise provided to the government by many Utahns have made it easier for agencies to scan, index, and preserve various records for posterity. Private organizations have also worked with government archivists to devise disaster plans in order to protect vital records from being destroyed in event of catastrophe.

The importance of protecting and preserving the history of our country cannot be overstated. Recent events, such as Hurricane Rita and the fire in the Washington, DC Library, have demonstrated the need to be proactive in preserving the records of our Nation's past.

Mr. President, I want to commend those, both in the government and the private sector, who have worked to preserve our Nation's heritage for future generations. As one who has long been interested in family history, I am extremely grateful for their efforts.

GUN VIOLENCE

Mr. LEVIN. Mr. President, it has been 5 years since the sniper shootings that paralyzed the Washington, DC, area came to an end. At 3:19 in the morning on October 24, 2002, the Federal Bureau of Investigation arrested John Allen Mohammad and John Lee Malvo, putting an end to their reign of terror. Over the course of 23 long days, these two individuals randomly shot and killed 10 innocent people and critically injured 3 more.

Following their arrests, John Lee Malvo was sentenced to life imprisonment, and John Allen Mohammad was sentenced to death. Many community leaders urged action on gun safety legislation. However, how much has been done to help prevent such incidents?

Last month the Federal Bureau of Investigation released its latest ''Crime in the United States'' report, detailing

local, State, regional and national statistics for 2006. According to the report, 14,990 people were murdered in the United States last year alone. This is an increase over 14,965 murders in 2005, and 14,210 in 2004. Of the 14,990 murdered in 2006, 10,177 people were killed by a firearm. In Michigan alone, there were 711 murders last year, 498 involved a firearm. These numbers are simply staggering.

Gun violence is preventable. However it requires action. In order to reduce the level of gun violence in our homes and communities, Congress must pass common sense legislation to keep guns out of the hands of children and criminals.

Without action, guns will be found increasingly in our high schools, universities, religious institutions, and our homes. Some of us in Congress have heard voices cry of families, educators, and police officials around this country and continue to work to pass sensible gun legislation, which would limit access to guns by prohibited persons, close the gun show loophole, reauthorize the assault weapons ban and aid law enforcement agencies in tracking gun traffickers. Congress needs to address these needs and do everything possible to reduce the levels of gun violence in America.

RISING GAS PRICES

Mr. LEAHY. Mr. President, oil prices closed at another record high yesterday over $93.50 a barrel. That is nearly triple the average price just 4 years ago, and we have reason to fear that oil may be on its way to over $100 a barrel and possibly to $120 a barrel. Gas prices are reportedly 65 cents a gallon higher than they were just a year ago. This is an unacceptable burden to hundreds of thousands of families across the country, and it harms American consumers as well as the American economy. This winter, the price of home heating oil will be a serious burden on thousands of Vermonters.

The relentless rise in oil prices should be another clear signal that we need to redouble efforts toward energy independence. As we develop alternative energy sources, we must keep focus on the artificial manipulation of oil and gas prices today. Demand for oil is rising, but members of the Organization of the Petroleum Exporting Countries, or OPEC, continue to collude to prevent the supply from matching that demand. As the Centre for Global Energy summarized it: ''Without more oil from OPEC, prices will continue to rise over the winter.'' In a properly functioning market, OPEC members would compete to serve the demand, but OPEC acts outside the basic principles of competition.

As the weather cools, rising prices for heating oil are an even greater cause for concern. Thousands of hard working Vermont families, seniors and disabled persons will experience considerable strain in coming months as they try to balance the cost of such necessities as home heating oil, prescription drugs and food on their tables. The Energy Information Administration forecasts that the average U.S. household will see a winter increase of 22 percent in heating-oil expenditures from last year. In fiscal year 2006, Congress appropriated over $3 billion for the critical Low Income Home Energy Assistance Program, LIHEAP. Yet in his fiscal year 2008 budget, President Bush has requested only half that amount, or $1.5 billion. While LIHEAP grants are decreasing, the number of applications is rising.

The American consumer is being harmed for the benefit of oil producing cartels. This is just wrong. When the President took office, Americans could fill their cars, heat their homes, and run their businesses on gasoline that cost $1.45 a gallon. Today, fuel prices have skyrocketed to an average $2.87 a gallon. Prices will, at times, fall, but because fuel prices are not properly subject to competition oversight and enforcement, the American consumer will only benefit from lower prices when it serves some other purpose of the cartel and foreign governments.

The administration must stop OPEC from artificially affecting prices in the United States. I joined Senator KOHL as an original cosponsor of his bipartisan NOPEC legislation that would hold accountable certain oil producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel.

When entities engage in anticompetitive conduct that harms American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.

It is time for the administration to take the side of American consumers, not the side of oil cartels. We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. Vermont families, and families across the country, need our help to make essential home heating more affordable this winter.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT

Mr. LEAHY. Mr. President, in the days following the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled ''The Air Transportation Safety and System Stabilization Act.'' This measure provided victims the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York. Unfortunately, the legislation we passed failed to grant that trial court with the power to serve and enforce subpoenas outside of the traditional 100-mile radius of the Southern District of New York, even in the very cities where the hijacked flights originated and where two of them crashed on the morning of September 11.

We were able to pass a legislative fix to this problem recently in the Senate. I understand that the House of Representatives is poised to pass the Senate bill today. I praise my colleagues on both sides of the aisle and in both Chambers for acting to provide nationwide service of subpoenas for the September 11 victims. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to allowing victims and their families to have their claims fairly and thoroughly heard in court. I urge the President to sign this legislation into law without delay.

REPATRIATION OF REMAINS OF VIETNAM VETERANS

Mr. TESTER. Mr. President, I rise today to honor the return of the remains of LTJG Donald F. Wolfe, whose body has finally been returned to American soil.

Lieutenant Wolfe—along with four of his fellow Navy aviators and sailors—was killed on October 8, 1967, when the E–1B aircraft they were flying on crashed near Da Nang in heavy weather. The bodies of these brave Navy servicemen could not be recovered at the time due to weather, terrain and hostile activity.

But today, almost exactly 40 years after this terrible incident, the remains of Lieutenant Wolfe and his colleagues are back home, bringing peace of mind and closure to his family at long last.

One of the great stains on the history of this Nation is the way that many of our Vietnam War veterans were treated when they returned home from war.

We should be honest with ourselves and with our veterans: The way that many of these veterans were treated during this time was wrong, and that kind of treatment hurt our country psychologically, and it hurt our country militarily.

Fortunately, our Nation has learned from that sorry episode. I take comfort in the fact that despite our vigorous disagreements about the Iraq war, all of us in this Senate and in our hometowns and States honor those who serve there.

And today we have an opportunity to make sure that these five men get the welcome home that all our troops deserved. We should stop to honor their memory and their service. It is not too late to say to these men and their families: Thank you.

I intend to observe a moment of silence this afternoon in memory of these men and in memory of all those who are still classified as missing in action. I encourage my colleagues and all Americans to do the same.

There are 1,767 individuals who are still classified as Missing in Action from the Vietnam War. Eighteen of these soldiers are from Montana.

They are: David Allinson, Helena; Richard Appelhans, Dodson; Alan Ashall, Billings; Michael Bouchard, Missoula; Alan Boyer, Missoula; Anthony Caldwell, Missoula; William Christensen, Great Falls; Jack Dempset, Helena; Charles Dudley, Bozeman; Michael Havranek, Missoula; Robert Holton, Butte; James Hunt, Missoula; Edward Letchworth, Libby; Patrick Magee, Alder; Lee Nordahl, Choteau; Victor Pirker, Trout Creek; Dean Pogreba, Three Forks; and Robert Willett, Great Falls.

To them and their families, you are not forgotten.

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

PRESIDENT'S MEETING

• Mr. OBAMA. Mr. President, today President Bush is scheduled to meet with Ugandan President Yoweri Museveni. These heads of state have met before, but today's meeting comes at a pivotal time in Uganda's history.

After more than 20 years of conflict in northern Uganda in which well over a million people have been displaced and tens of thousands of children abducted and terrorized, peace appears to be within reach. Talks between the Government of Uganda and the Lord's Resistance Army, LRA, have led to genuine improvements on the ground. However, there is still much more work to be done to ensure a lasting peace. The United States must become a more active peace partner with Uganda as it negotiates with the Lord's Resistance Army.

The constructive mediation efforts of U.N. Special Envoy and former Mozambican President Joaquim Chissano deserve sustained, high-level U.S. diplomatic support. Two issues will be particularly difficult. First, Ugandans themselves will have to balance the imperative to make peace with the clear need to hold accountable those responsible for the horrifying abuses of the past. Second, leaders need to keep a spotlight on the vast development needs of the traumatized north. Paper plans and grand announcements will not be enough—the Government of Uganda must be committed to the north's development, and the donor community, including the United States, must be prepared to offer real resources to help.

Sadly, as negotiations to end the threat posed by the LRA continue, a different source of instability—- that of lawless militias in Karamoja, and the Ugandan military's often counter-productive, abusive response to them has prevented a more complete consolidation of security in the country. The Ugandan people can never achieve their full potential when they feel targeted by both their own military and marauding criminals.

This visit to the White House follows by days a meeting between President Bush and President Kabila of the Democratic Republic of Congo. I hope President Bush uses both meetings to reassert U.S. support for regional dialogue and stabilization efforts. Uganda has an important part to play in ongoing efforts to bring lasting stability to the Democratic Republic of the Congo, particularly through participation in the Tripartite Plus mechanism. The U.S. should continue to foster dialogue through that process.

Uganda is a major contributor to the African Union's peacekeeping efforts in Somalia. But the undermanned AU peacekeeping contingent cannot succeed in the absence of a broader political and economic strategy to stabilize Somalia. Right now, the Ugandan peacekeepers are in the hot seat, and the rest of the world is failing to advance the peace process and deliver the support that they need. The United States has a responsibility to lead effectively on this issue. I hope that the two Presidents have a frank discussion about what needs to be done to advance peace in Somalia.

Of course, Uganda is deservedly admired around the world for its early efforts to speak frankly and act effectively to fight HIV/AIDS, and I have no doubt that the ongoing fight against the pandemic as well as global efforts to combat malaria will be on the agenda for President Museveni's meeting. Recent reports have found that a disturbingly high percentage of Uganda's young people do not have accurate information about AIDS and about how to protect themselves. Because of its renown, Uganda has a special leadership role to play in this struggle. Frank talk is needed today more than ever.

Finally, I hope that President Bush will convey to President Museveni the sincere sympathies of the people of the United States for those affected by the recent severe floods in Uganda. As Americans cope with the terrible wildfires in California, we are all especially sensitive to the devastating human consequences of natural disasters wherever they occur.•

ADDITIONAL STATEMENTS

TRIBUTE TO VIRGINIA ''GINGER'' KIRK

• Mrs. DOLE. Mr. President, I wish to pay tribute to special agent Virginia ''Ginger'' Kirk of the Naval Criminal Investigative Service, who is retiring from employment with the Federal Government on October 30, 2007. Special Agent Kirk is retiring after over 24 years of Government service, the last 21 of which have been spent with NCIS. Of special note, during the course of her service with NCIS, she spent a year as a Department of Defense legislative fellow in the office of the late Congresswoman Tillie Fowler.

During the course of Special Agent Kirk's career in Government service, she rose from a GS–3 computer programmer for the Navy to a GS–15 NCIS senior special agent. In her final NCIS job, she was assigned to the Navy's Acquisition Integrity Office—a high-profile, high-impact position that put her on the inside of the Department of the Navy's most significant procurement fraud investigations.

Special Agent Kirk's law enforcement career began in the Norfolk fraud unit of the Naval Investigative Service, NIS—the precursor of today's NCIS. In addition to contributing to the collective success of the office there, Special Agent Kirk was singled out to receive the NIS Director's Cup, distinguishing her as the first-ever NIS Special Agent of the Year for fraud investigations. Her early career assignments were particularly fraud-focused and included tours at NAS Oceana, Pearl Harbor, New York, and Washington, DC. Among other postings, she spent a year with the FBI's Washington Field Office, working on major Government procurement fraud investigations jointly with her Bureau counterparts. That was followed by her first assignment in the counterintelligence arena in 1996, supporting both arms control treaty implementation and the Navy's International Program Office. Eighteen months later, Special Agent Kirk transferred to NCIS headquarters to serve as a desk officer in the NCIS Counterintelligence Directorate's Pacific Division.

In 1999, in what she describes as one of the most significant highlights of her career, she was selected to represent NCIS as a DOD legislative fellow on Capitol Hill. She served on the staff of the late Congresswoman Tillie Fowler, where she worked on a variety of defense, judiciary, and other issues. As a result of Special Agent Kirk's presence and persistence, Congresswoman Fowler sponsored legislation that was later incorporated into the Fiscal Year 2001 National Defense Authorization Act and ultimately resulted in statutory arrest authority being granted to civilian special agents of NCIS—an act of Congress that to this day is considered a watershed event within the agency.

Following her Capitol Hill assignment, Special Agent Kirk was reassigned to the NCIS Counterintelligence Directorate, where she worked on a host of policy issues. Thereafter, she was promoted to supervisory special agent and posted to NCIS's Washington, DC, field office. While her first year there was spent investigating procurement fraud, Special Agent Kirk and the fraud squad refocused their efforts on counterterrorism concerns as a result of the 9/11 attacks and the anthrax threat that plagued the Nation's Capital at that time.

In 2002, Special Agent Kirk transferred to the Pentagon as the NCIS liaison to the Joint Counterintelligence Evaluation Office within the Office of

the Secretary of Defense. She was subsequently assigned to be Assistant Special Agent in Charge for Criminal Investigations at the NCIS Southeast Field Office, located aboard Naval Station Mayport. She concluded her NCIS career back in DC in the Navy's Acquisition Integrity Office.

Mr. President, during the course of her Federal service, Special Agent Kirk has made many sacrifices. As noted above, she moved frequently to meet the needs of her agency, the Department of the Navy, and our Nation. She spent extended periods geographically separated from her husband, who was also an NCIS special agent, as each of them strived to meet their own mission demands. She and her husband, retired NCIS special agent Guy Kirk, have bought a home on the side of a mountain in Brevard, NC, where they plan to take some time together to hike and explore the area. She has also set up a stained glass studio and plans to pursue the artistic side of life. I know all of my colleagues join me in thanking Special Agent Kirk for her many years of dedicated service, and in wishing her ''fair winds and following seas'' as she and her husband Guy embark on the next chapter of their lives together.●

RECOGNIZING CAMPBELL-TIMMERMAN LEGION AUXILIARY

● Mr. THUNE. Mr. President, today I recognize the Campbell-Timmerman Legion Auxiliary, unit No. 115, of Platte, SD.

Each year the auxiliary participates in the Paralyzed Veterans of America pheasant hunt sponsored by the American Legion. The auxiliary provides food and accommodations for many of the veterans who come to hunt. Through their efforts, the auxiliary gives these veterans the opportunity to enjoy the fellowship of other veterans and appreciate the great outdoors.

Organizations like the Campbell-Timmerman Legion Auxiliary are the backbone of South Dakota's rural communities. It is my hope that their dedication to serving our State's veterans inspires others to lend a helping hand.

I would like to thank the Campbell-Timmerman Legion Auxiliary unit No. 115 for their service and wish them continued success in the years to come.●

HONORING STEVE BRIMM

● Mr. THUNE. Mr. President, today I honor Steve Brimm of Spearfish, SD, for his nearly 40 years of service to the U.S. Fish and Wildlife Service. Mr. Brimm is retiring from his position as project leader to the D.C. Booth Fish Hatchery where he has served for the past 10 years.

The D.C. Booth Historic National Fish Hatchery is one of the oldest operating hatcheries in the country dedicated to fish culture and resource management. Under Steve Brimm's leadership, the fish hatchery has continued to thrive and benefit not only the Spearfish community but the entire Black Hills region. By forging partnerships and nurturing cooperation within the fish hatchery system, Steve has given the D.C. Booth Fish Hatchery a chance to become one of the most well-preserved fish hatcheries in the United States. The hatchery has become an archival site for the Fish and Wildlife Service's fishery materials, and a functioning fish rearing facility, as well as being a tourist and economic attraction for the city of Spearfish.

For his dedicated service, Steve has been honored on both a State and national level. He was named a 2007 Take Pride in America National Award winner by the United States Department of the Interior and the Hatchery Helpers Youth Volunteer Program that Mr. Booth helped to develop was awarded a 2003 Take Pride in America National Award.

It gives me great pleasure to congratulate Steve Brimm on this special occasion and thank him for all his years of service to the D.C. Booth Fish Hatchery, the city of Spearfish, and the State of South Dakota.●

SOUTH DAKOTA COMMUNITY FOUNDATION'S 20TH ANNIVERSARY

● Mr. THUNE. Mr. President, I would like to take this opportunity to pay tribute to a key institution in my State, the South Dakota Community Foundation, SDCF, which will celebrate its 20th anniversary on November 11, 2007. This statewide organization is a perfect example of how private funds are raised in communities to ensure future sustainability. The SDCF is a model for those who believe there is no better way to improve themselves and our great State than through working together to accomplish great things.

The SDCF was started two decades ago by a group of leaders with a vision for South Dakota. Their vision included capitalizing on the philanthropic nature of South Dakotans to help rural communities redevelop and serve the needs of their citizens. Strong leadership over 20 years has resulted in thousands of investors and partners that have assisted local communities and nonprofit organizations to achieve new levels of success. The original group of investors was especially critical, as they embraced a concept that has now exceeded the expectations of many. Over 70 communities and hundreds of nonprofit organizations across South Dakota now have direct partnerships with the SDCF.

Twenty years ago, under the direct leadership of our late Governor George S. Mickelson, the SDCF was created. I wish that Governor Mickelson were alive today to witness the lasting legacy his initiatives have given to our State. The SDCF continues to meet the visionary goals of Governor Mickelson, and remains committed to taking the organization to levels unanticipated 20 years ago. Governor Mickelson's widow, Linda Mickelson Graham, served in a leadership role on the SDCF board of directors for nine years, and their oldest son, Mark Mickelson, is set to become chairman of the board in 2009. Governor Mickelson's dream is alive and well within the SDCF and across South Dakota.

The original funding for the SDCF came from generous gifts from the McKnight Foundation and the 3M Foundation. On their way to raising the first $10 million, the 3M Foundation and the State of South Dakota contributed $2 million each, and the McKnight Foundation added $3 million as a challenge grant. Using this seed money as an incentive, Governor Mickelson and then-SDCF Executive Director Bernie Christenson raised an additional $3 million within 1 year to fully fund the first phase of the SDCF.

Today, the SDCF has grown to over $70 million in total assets. Over 360 funds have been established by communities, families, nonprofit organizations, and businesses to benefit South Dakota in perpetuity. These funds provide support for nonprofit causes benefiting children, senior citizens, and individuals with special needs. South Dakotans from rural areas, Indian reservations, and our largest cities are reaping the benefits of this visionary plan.

Leadership has been a key component to the success of the SDCF. The original leadership to get the SDCF started, the continued leadership of the board members, and dedicated staff have all played and integral role. Current Chairman of the Board John E. Johnson, President Bob Sutton, and the current board leadership have set goals for the continued growth of the organization. This growth would not be possible without committed staff members, and two of them—Stephanie Judson and Ginger Niemann—have 20 years of combined service to the SDCF. The relationships they have built with donors and partners of the SDCF over the years are invaluable, and they deserve credit for a job very well done.

The future for the SDCF is bright. Over the next 5 years, the organization will grow to over $100 million in permanently endowed assets. This will result in $5 million annually being distributed to nonprofit and charitable causes in South Dakota. This commitment to human service, economic development, and cultural and educational organizations in South Dakota will leave a lasting legacy.

The success of the SDCF has come from many areas, including unmatched public/private partnerships, strong nonprofit organizations, local community leaders, generous contributors, and prudent fiscal management. On the local level, a new generation of leaders has been developed, with many communities finding the future resting in the hands of these individuals. Through the establishment of permanent endowment funds, these local leaders are able to envision what their communities

will look like decades from now. This is a major shift away from the mentality that small, rural communities had little or no future.

Today, I extend my hearty congratulations to the SDCF as the organization celebrates 20 years of ''Success Through Community Caring'' in South Dakota. As the work of the SDCF continues, I look forward to celebrating another 20 years of success in 2027.●

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1473. An act to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

H.R. 3224. An act to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

H.R. 3247. An act to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes.

H.R. 3877. An act to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes.

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

ENROLLED BILL SIGNED

At 3:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

ENROLLED BILLS SIGNED

At 5:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. TESTER).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1473. An act to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''; to the Committee on Environment and Public Works.

H.R. 3224. An act to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

H.R. 3247. An act to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3877. To require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3927. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2295. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 2264. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the tax-free distributions from individual retirement plans for charitable purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2007, she had presented to the President of the United States the following enrolled bills:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3756. A communication from the Assistant Director of the Directive and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions; Noncompetitive Sale of Timber'' (RIN0596–AB70) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3757. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Decreased Assessment Rate'' (Docket No. FV–07–924–1–FIR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3758. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2006–07 Crop Natural Seedless Raisins'' (Docket No. FV–07–989–1–FIR) received

on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3759. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Increased Assessment Rate'' (Docket No. FV–07–984–1–FR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3760. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program, Sunset Review'' ((RIN0581–AC51)(Docket No. TM–04–07–FR)) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3761. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Unshu Oranges from the Republic of Korea into Alaska'' (Docket No. APHIS–2006–0133) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3762. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Additions to the List of Quarantined Areas'' (Docket No. APHIS–2007–0114) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3763. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Servicing of Water Programs Loans and Grants'' (RIN0572–AB59) received on October 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3764. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Captain Sean A. Pybus to wear the authorized insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3765. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled ''Joint Improvised Explosive Divide Organization Third Quarter Report for Fiscal Year 2007''; to the Committee on Armed Services.

EC–3766. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Single Family Mortgage Insurance Program'' (RIN2502–AI03) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3767. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3768. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Standards for Mortgagor's Investment in Mortgaged Property'' (RIN2502–AI52) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3769. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Housing Counseling Program'' (RIN2502–AH99) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3770. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting Affiliate Marketing Regulations'' (Docket No. R–1203) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; Consumer Products Rule'' (FRL No. 8486–6) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Michigan; Recordkeeping and Reporting Requirements for Abnormal Conditions'' (FRL No. 8486–4) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York Emission Statement Program'' (FRL No. 8428–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: State Implementation Plan Revisions'' (FRL No. 8488–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority to the States of Iowa, Kansas, Missouri, and Nebraska for New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology Standards'' (FRL No. 8487–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; Plywood and Composite Wood Products'' ((RIN2060–AO65)(FRL No. 8482–2)) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3777. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ohio: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8488–6) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3778. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Modification of Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and U.S. Territories'' ((RIN2060–AK02)(FRL No. 8487–2)) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3779. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Trust Arrangements Purporting to Provide Nondiscriminatory Post-Retirement Medical and Life Insurance Benefits'' (Notice 2007–84) received on October 25, 2007; to the Committee on Finance.

EC–3780. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Non Refundable Upfront Fees, Technology Access Fees, Milestone Payments, Royalties and Deferred Income Under a Collaboration Agreement'' (UIL No. 263.13–02) received on October 25, 2007; to the Committee on Finance.

EC–3781. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—November 2007'' (Rev. Rul. 2007–66) received on October 25, 2007; to the Committee on Finance.

EC–3782. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Abusive Trust Arrangements Utilizing Cash Value Life Insurance Policies Purportedly to Provide Welfare Benefits'' (Notice 2007–83) received on October 25, 2007; to the Committee on Finance.

EC–3783. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''United States v. Roxworthy 457F.3d 590 rev'g No. 04–MC–18–C'' (AOD 2007–40) received on October 25, 2007; to the Committee on Finance.

EC–3784. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Proposed Changes to the Process for Obtaining Consent to Change an Accounting Method'' (Notice 2007–88) received on October 25, 2007; to the Committee on Finance.

EC–3785. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Additional 2008 Transition Relief Under Section 409A'' (Notice 2007–86) received on October 25, 2007; to the Committee on Finance.

EC–3786. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Inflation Adjustments Revenue Procedure'' (Notice 2007–66) received on October 25, 2007; to the Committee on Finance.

EC–3787. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Roosevelt Wallace v. Commissioner 128 T.C. No. 11'' (AOD 2007–5) received on October 25, 2007; to the Committee on Finance.

EC–3788. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfers of Assets or Stock Following a Reorganization'' ((RIN1545–BD56)(TD 9361)) received on October 25, 2007; to the Committee on Finance.

EC–3789. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employer and Payer Guidance on Reporting and Wage Withholding Requirements for Calendar Year 2007'' (Notice 2007–89) received on October 25, 2007; to the Committee on Finance.

EC–3790. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Partnership Audit Techniques Guide'' (Chapter 13) received on October 25, 2007; to the Committee on Finance.

EC–3791. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deductions Under Sections 419 and 419A for Employer Contributions to Welfare Benefit Funds Utilizing Cash Value Life Insurance Policies'' (Rev. Rul. 2007–65) received on October 25, 2007; to the Committee on Finance.

EC–3792. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment including the C–130H Aircraft from Thailand to the Thai Aviation Industries and Rockwell Collins for the purpose of installing Avionic Upgrades; to the Committee on Foreign Relations.

EC–3793. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data and assistance relative to the manufacture of water coolers and supporting materials for the Spy-ID Radar for the governments of Australia, Japan, Korea, and Spain; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Edward A. Rice, Jr., 4508, to be Lieutenant General.

Air Force nomination of Maj. Gen. Glenn F. Spears, 2012, to be Lieutenant General.

Army nomination of Brig. Gen. Carroll F. Pollett, 9096, to be Major General.

Army nomination of Maj. Gen. Benjamin R. Mixon, 7168, to be Lieutenant General.

Army nomination of Maj. Gen. David H. Huntoon, Jr., 1919, to be Lieutenant General.

Army nomination of Maj. Gen. Eric B. Schoomaker, 8284, to be Lieutenant General.

Army nomination of Brig. Gen. David A. Rubenstein, 6677, to be Major General.

Marine Corps nomination of Maj. Gen. Samuel T. Helland, 6309, to be Lieutenant General.

Navy nomination of Rear Adm. Bernard J. McCullough III, 4147, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Ernest Valdez, 4767, to be Major.

Air Force nominations beginning with Laura M. Hunter and ending with George W. Ryan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Air Force nomination of Cheryl A. Kearney, 6145, to be Colonel.

Air Force nomination of Noel P. Kornett, 0523, to be Lieutenant Colonel.

Air Force nomination of Michael Maine, Jr., 4513, to be Major.

Air Force nominations beginning with Michael T. Butler and ending with Robert Cannon, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

Army nomination of Max B. Bullen, 0248, to be Major.

Army nominations beginning with John A. McHenry and ending with Alan S. Waller, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Army nominations beginning with Edward F. Frederick and ending with Gregory Charlton, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Marine Corps nomination of Kevin M. Gonzalez, 5053, to be Lieutenant Colonel.

Marine Corps nomination of Thomas J. Keating, 2706, to be Colonel.

Marine Corps nomination of Gerald R. Brown, 2925, to be Lieutenant Colonel.

Navy nomination of Stephen T. Vargo, 7730, to be Lieutenant Commander.

Navy nominations beginning with Gary Tabach and ending with Kelvin L. Reed, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

*Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2011.

*Coast Guard nomination of Capt. Steven E. Day, 3035, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Capt. Kevin S. Cook and ending with Capt. James A. Watson, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Albert R. Agnich and ending with Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

National Oceanic and Atmospheric Administration nominations beginning with Michael S. Gallagher and ending with Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2258. A bill to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes; considered and passed.

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. SPECTER, Mr. CASEY, and Mr. JOHNSON):

S. 2260. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WEBB:

S. 2263. A bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 2264. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the tax-free distributions from individual retirement plans for charitable purposes; read the first time.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. SPECTER, Mr. CASEY, and Mr. JOHNSON):

S. 2265. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008; considered and passed.

By Mr. SCHUMER:

S. 2266. A bill to amend the Internal Revenue Code to provide for an alternative test for qualifying as a cooperative housing corporation; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 360. A resolution offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007; considered and agreed to.

ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 507

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 600

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from California (Mrs. BOXER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1060

At the request of Mr. BYRD, his name was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1386

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1758

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States.

S. 1858

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 1858, supra.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Virginia (Mr. WEBB), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1895

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1957, a bill to amend title 17, United States Code, to provide protection for fashion design.

S. 1966

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1966, a bill to reauthorize HIV/AIDS assistance.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2123

At the request of Mr. GREGG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2132

At the request of Mr. BROWN, his name was added as a cosponsor of S. 2132, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2168

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2182

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2254, a bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. RES. 356

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 358

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 358, a resolution expressing the importance of friendship and cooperation between the United States and Turkey.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, the urban demands we have placed on our water supplies and ecosystem have resulted in significant water shortages in communities across the Nation. Water quality and quantity are in jeopardy if local, State, and Federal Governments do not support the implementation of cost-effective projects that enhance and increase potable water supplies.

Therefore, I am introducing this bill to authorize programs that will facilitate a comprehensive water supply and watershed project in southern California. Leaders and agencies across five counties in the Santa Ana Region of southern California have partnered to develop a comprehensive plan which addresses regional needs of their communities; communities whose population exceeds 3 million citizens. These communities are committed to leveraging over $1 billion in local and State funds to match the Federal Government's investment. Similar legislation has been introduced in the House of Representatives by Representative GARY MILLER, together with Representatives KEN CALVERT, DAVID DREIER, EDWARD ROYCE, JOHN CAMPBELL, DANA ROHRABACHER and LORETTA SANCHEZ.

Specifically, this bill would fund three distinct projects, which together will help address water needs of 64,000 households and increase the region's water supply by 31,000 acre-feet per year in an environmentally sustainable manner.

This legislation could serve as a model for communities nationwide to help meet the challenges imposed by decreasing snow pack and precipitation and scarce potable water supplies that will be exacerbated by climate change.

This bill would authorize the Federal Government to spend $10 million on a cost shared basis to create wetlands along the Santa Ana River, providing an expanded natural treatment system to purify the River before it replenishes Orange County's groundwater supplies. Like all of the projects in the plan, the construction of natural treatment systems using wetlands minimizes the impacts on the environment, reduces carbon emissions, and improves the quality of our groundwater supplies without costly control technologies.

An authorization of $25 million in the expansion of groundwater desalination in the Chino Basin would increase desalination from the current 9,000 acre-feet per year to 40,000 acre-feet per year. This element of the program would provide a new fresh drinking water supply for Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills, and Ontario in San Bernardino County. These communities serve the needs of millions of citizens.

Because the Santa Ana River watershed crosses multiple jurisdictions, this legislation seeks to complement the ability to produce reclaimed water in one area with expanded desalination projects in the neighboring Chino Basin, providing a four-fold increase in the ability to desalinate groundwater supplies. The Chino Basin groundwater desalters will be the primary drinking water supply for over 40,000 new homes in Riverside and San Bernardino Counties.

The Groundwater Replenishment System, which is expected to be fully operational in just weeks, is the largest indirect potable reuse project in the world. The focal point of the system is membrane purification technology. Thus, $12 million is being requested to build an advanced water filtration technologies research center to find better, more cost-effective approaches to water purification as it relates to municipal water supply needs.

This regional plan will decrease reliability on imported water supplies from the Colorado River and California's deteriorating Bay-Delta water supply system. It will also allow for banking millions of gallons of water in our groundwater basin, protecting the region against natural disasters that could disrupt the delivery of water to Southern California from the fragile Delta and Colorado systems.

I am proud of the commitment our regional agencies have made to develop a response to meet the current and future demands for water supply. The regional plan has broad community support, solves multiple water supply problems, reduces energy consumption, restores habitat, and provides significant jobs and economic benefits to one of the Nation's most densely populated areas. I look forward to timely consideration of this legislation that could provide the road map to solving water demands across the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Santa Ana River Water Supply Enhancement Act of 2007''.

SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16____. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the last item the following:

''16____. Prado Basin Natural Treatment System Project.''.

SEC. 3. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

''SEC. 16____. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $26,000,000.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the last item the following:

''16____. Lower Chino dairy area desalination demonstration and reclamation project.''.

SEC. 4. CENTER FOR TECHNOLOGICAL ADVANCEMENT OF MEMBRANE TECHNOLOGY AND EDUCATION.

(a) IN GENERAL.—The Secretary of the Interior shall establish at the Orange County Water District located in Orange County, California, a center for the expressed purposes of providing—

(1) assistance in the development and advancement of membrane technologies; and

(2) educational support in the advancement of public understanding and acceptance of membrane produced water supplies.

(b) MANAGEMENT OF CENTER.—

(1) CONTRACTS.—In establishing the center, the Secretary shall enter into contracts with the Orange County Water District for purposes of managing such center.

(2) PLAN.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Orange County Water District, shall jointly prepare a plan, updated annually, identifying the goals and objectives of the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out subsections (a) and (b), $2,000,000, for each of fiscal years 2008 through 2013. Such sums shall remain available until expended.

(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Orange County Water District, shall provide a report to Congress on the status of the center and its accomplishments.

(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I use today to introduce legislation essential to consumers receiving the best prices on every product from electronics to clothing to groceries. My bill, Discount Pricing Consumer Protection Act, will restore the nearly century old rule that it is illegal under antitrust law for a manufacturer to set a minimum price below which a retailer cannot sell the manufacturer's product, a practice known as ''resale price maintenance'' or ''vertical price fixing''. Last June, overturning a 96-year-old precedent, a narrow 5–4 Supreme Court majority in the Leegin case incorrectly interpreted the Sherman Act to overturn this basic

rule of the marketplace which has served consumers well for nearly a century. My bill will correct this misinterpretation of antitrust law and restore the per se ban on vertical price fixing.

The reasons for this legislation are compelling. Allowing manufacturers to set minimum retail prices will threaten the very existence of discounting and discount stores, and lead to higher prices for consumers. For nearly a century the rule against vertical price fixing permitted discounters to sell goods at the most competitive price. Many credit this rule with the rise of today's low price, discount retail giants—stores like Target, Best Buy, Walmart, and the internet site Amazon, which offer consumers a wide array of highly desired products at discount prices.

From my own personal experience in business I know of the dangers of permitting vertical price fixing. My family started the Kohl's department stores in 1962, and I worked there for many years before we sold the stores in the 1980s. On several occasions, we lost lines of merchandise because we tried to sell at prices lower than what the manufacturer and our rival retailers wanted. For example, when we started Kohl's and were just a small competitor to the established retail giants, we had serious difficulties obtaining the leading brand name jeans. The traditional department stores demanded that the manufacturer not sell to us unless we would agree to maintain a certain minimum price. Because they didn't want to lose the business of their biggest customers, that jeans manufacturer acquiesced in the demands of the department stores—at least until our lawyers told them that they were violating the rule against vertical price fixing.

So I know first hand the dangers to competition and discounting of permitting the practice of vertical price fixing. But we don't need to rely on my own experience. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called ''fair trade'' laws legalizing vertical price fixing. Studies the Department of Justice conducted in the late 1960s indicated that prices were between 18–27 percent higher in the states that allowed vertical price fixing than the states that had not passed such ''fair trade'' laws, costing consumers at least $2.1 billion per year at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even greater today. In his dissenting opinion in the Leegin case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be $300 billion dollars, translating into retail bills that would average $750 to $ 1,000 dollars higher for the average family of four every year.

Defenders of the Leegin decision argue that today's giant retailers such as Wal-Mart, Best Buy or Target can ''take care of themselves'' and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in Leegin announced this practice should instead be evaluated under what is known as the ''rule of reason.'' Under the rule of reason, a business practice is illegal only if it imposes an ''unreasonable'' restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint's ''history, nature and effect.'' Whether the businesses involved possess market power ''is a further, significant consideration'' under the rule of reason.

In short, establishing that any specific example of vertical price fixing violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts necessary to make the extensive showing necessary to prove a case under the ''rule of reason.'' In the words of FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing ''is a virtual euphemism for per se legality.''

In July, our Antitrust Subcommittee conducted an extensive hearing into the Leegin decision and the likely effects of abolishing the ban on vertical price fixing. Both former FTC Chairman Robert Pitofsky and current FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. Marcy Syms, CEO of the Syms discount clothing stores, did so as well, citing the likely dangers to the ability of discounters such as Syms to survive after abolition of the rule against vertical price fixing. Ms. Syms also stated that ''it would be very unlikely for her to bring an antitrust suit'' challenging vertical price fixing under the rule of reason because her company ''would not have the resources, knowledge or a strong enough position in the market place to make such action prudent.'' Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a price below which a product or service cannot be sold violates the law. No balancing or protracted legal proceedings will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both ''big box'' stores and on the Internet. Our legislation will correct the Supreme Court's abrupt change to antitrust law, and will ensure that today's vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Discount Pricing Consumer Protection Act''.

SEC. 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the *Dr. Miles* decision until June 2007 in the *Leegin* decision, the Supreme Court had ruled that the Sherman Act forbid in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer's product (the practice of ''resale price maintenance'' or ''vertical price fixing'').

(2) The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the health of the economy.

(3) Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

(4) Abandoning the rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete. For 40 years prior to 1975, Federal law permitted states to enact so-called ''fair trade'' laws allowing vertical price fixing. Studies conducted by the Department of Justice in the late 1960s indicated that retail

prices were between 18 and 27 percent higher in states that allowed vertical price fixing than those that did not. Likewise, a 1983 study by the Bureau of Economics of the Federal Trade Commission found that, in most cases, resale price maintenance increased the prices of products sold.

(5) The 5–4 decision of the Supreme Court majority in *Leegin* incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

(b) PURPOSES.—The purposes of this Act are—

(1) to correct the Supreme Court's mistaken interpretation of the Sherman Act in the *Leegin* decision; and

(2) to restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: ''Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce the Preserve America and Save America's Treasures Act to formally authorize two important historic preservation programs—the Preserve America Program and the Save America's Treasures Program. I am pleased to be joined in this effort my colleague from New York, Senator CLINTON.

Both the Preserve America Program and the Save America's Treasures Program have demonstrated significant success nationwide. However, both administration programs have relied solely on the will of the appropriations process and currently lack the long-term stability provided by formal authorization. This bill would authorize these two important programs and provide for the protection of America's heritage for years to come.

The Preserve America initiative was announced by First Lady Laura Bush on March 3, 2003, and established by Executive Order 13287. The initiative was developed in cooperation with a number of Federal agency partners to encourage and support community efforts for the preservation and enjoyment of our priceless cultural and natural heritage. Since 2003, 549 cities in all 50 States have been designated Preserve America Communities, and 140 of the Preserve America Communities have received a combined total of $10 million to develop sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets.

The Save America's Treasures program began during the Clinton administration as a national effort to protect our Nation's threatened cultural treasures, including historic structures, collections, works of art, maps and journals that document our heritage and to highlight and preserve the history and culture of the U.S. The program was established by Executive Order 13072 in February 1998. Save America's Treasures was originally created as the centerpiece of the White House National Millennium Commemoration, and as a public-private partnership that included the White House, the National Park Service and the National Trust for Historic Preservation. From 1998 through 2006, over $300 million in Federal and private funding has been awarded for over 1,000 grants.

While both programs are nationwide in scope, I want to highlight the fact that the Preserve America and Save America's Treasures programs have also been very successful in my home State. Las Vegas and Silver City, NM, have been designated Preserve America communities, and 15 Save America's Treasures grants worth nearly 5 million dollars have been awarded over the years to entities throughout the State of New Mexico for various historic preservation projects. From the Palace of the Governor's Collections in Santa Fe to the Lincoln Historic District, where the outlaw Billy the Kid participated in the Lincoln County War, these programs have proved invaluable to preserving the rich heritage of New Mexico.

I am proud to offer this bill to authorize these two important historic preservation programs. I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Preserve America and Save America's Treasures Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRESERVE AMERICA PROGRAM

Sec. 101. Purpose.
Sec. 102. Definitions.
Sec. 103. Establishment.
Sec. 104. Designation of Preserve America Communities.
Sec. 105. Regulations.
Sec. 106. Authorization of appropriations.

TITLE II—SAVE AMERICA'S TREASURES PROGRAM

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Establishment.
Sec. 204. Regulations.
Sec. 205. Authorization of appropriations.

TITLE I—PRESERVE AMERICA PROGRAM

SEC. 101. PURPOSE.

The purpose of this title is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

SEC. 102. DEFINITIONS.

In this title:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under section 103(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, shall provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 104), Indian tribes, communities designated as Preserve America Communities under section 104, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this title:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A marketing project that promotes and enhances the visitor experience to a community.

(E) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(F) A project to support heritage tourism in a Preserve America Community designated under section 104.

(2) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the

list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that the non-Federal share for an eligible project required under paragraph (1) shall be available for expenditure before a grant is provided to the eligible project under the program.

SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMUNITIES.

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary—

(1) protect and celebrate the heritage of the community, tribal area, or neighborhood;

(2) use the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization;

(3) encourage people to experience and appreciate local historic resources through education and heritage tourism programs; and

(4) meet any other criteria required by the Council.

(c) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

SEC. 105. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—SAVE AMERICA'S TREASURES PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities.

SEC. 202. DEFINITIONS.

In this title:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'' means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under section 203(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 203. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under section 205 shall be used by the Secretary, in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities, subject to subsection (f)(1)(B), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(b) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 205, not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under subsection (e).

(c) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(d) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under paragraph (1)(A) shall be made in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the National Trust for Historic Preservation, or the Institute of Museum and Library Services, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed in the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(e) SELECTION CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this title to a project for an eligible collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(f) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on Arts and Humanities in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(B) LIMITATION.—If an entity described in subparagraph (A) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that subparagraph and subsection (a).

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

SEC. 204. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

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

• Mrs. CLINTON. Mr. President, I am proud to join Senator DOMENICI to introduce the Preserve America and Save America's Treasures Act. This legislation will formally authorize Save

America's Treasures and Preserve America for the first time.

Nearly 10 years ago, I helped create Save America's Treasures to preserve and promote historic sites and artifacts across our country. On February 2, 1998, President Clinton established Save America's Treasures by Executive Order 13072. Save America's Treasures was originally founded as the centerpiece of the White House National Millennium Commemoration and as a public-private partnership that included the White House, the National Park Service, and the National Trust for Historic Preservation.

Save America's Treasures was envisioned as a 2-year commemorative project that would illuminate the problem of our neglected heritage and inspire Americans to help save the important treasures in their own communities. Almost 10 years later and Save America's Treasures is still going strong. This model public-private partnership has provided critical support of bricks and mortar preservation projects in every State and territory. These sites include such icons as the Star Spangled Banner, the Old North Church, Mesa Verde, Valley Forge and the last remaining architectural model of the World Trade Center. The list also includes the Founding Father's Papers, the Acoma Pueblo, President Lincoln's Cottage, and the Sewall Belmont House.

To help ensure that future generations will have an opportunity to experience our past and understand our identity as a community and as a nation, Save America's Treasure's has educated the public on preservation problems facing the buildings, sites, monuments, objects and documents that represent America's diverse cultural legacy, and it has supported preservation of historic collections and properties.

The program also supports and advances the purposes and policies of the national historic preservation program set forth by the Congress in the National Historic Preservation Act of 1966.

The President and First Lady Bush have continued to keep the historic preservation effort alive in America. President Bush announced the Preserve America initiative through Executive Order 13287 on March 3, 2003 to promote the preservation of America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties.

Through the Preserve America initiative, Americans gain greater knowledge about our Nation's past, strengthened regional identities, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of our communities.

The legislation that Senator DOMENICI and I have introduced will formally authorize Preserve America and Save America's Treasures. Both of these programs have relied solely on the will of the appropriations process and lack the long-term viability provided by formal authorization. Both programs have demonstrated significant on-the-ground-results and are clearly worthy of authorized legislation to institutionalize them for future generations.

Our legislation will authorize a competitive Save America's Treasures grant program within the National Park Service in partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and the President's Committee on the Arts and the Humanities.

It will also authorize a competitive Preserve America grant program within the Department of the Interior in cooperation with the Advisory Council on Historic Preservation and other Federal agencies.

I am proud to be an original cosponsor of this legislation that will help ensure that future generations will have an opportunity to experience our past and understand the identity of our Nation. I thank Senator DOMENICI for his leadership, and I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.●

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 360—OFFERING CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA, WHICH KILLED 6 UNIVERSITY OF SOUTH CAROLINA STUDENTS AND 1 STUDENT FROM CLEMSON UNIVERSITY ON OCTOBER 28, 2007.

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 360

Resolved, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. 224. PROHIBITION OF FEDERAL SUBSIDIES FOR FOOD AND BEVERAGE SERVICE.

Federal funds may not be used by the National Railroad Passenger Corporation to subsidize food and beverage service on Amtrak trains until Amtrak is in compliance with section 24305(c)(4) of title 49, United States Code.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 6, 2007, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on whether domestic energy industry will have the available workforce—crafts and professional—to meet our Nation's growing energy needs and if gaps exist, what policies the Congress should take to address these gaps.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rosemarie_calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 228–3031 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 13, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on The Surface Mining Control and Reclamation Act of 1977: Policy Issues Thirty Years Later.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to gina_weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at (202) 224–5684.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 1, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office

Building in order to conduct an oversight hearing on the Impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 30, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

During the Executive Session, Committee members will markup the following agenda items: S. 2045, Consumer Product Safety Commission (CPSC) Reform Act of 2007; S. 2096, Do-Not-Call Improvement Act of 2007; S. 1580, the Coral Reef Conservation Amendments Act of 2007; S. 1853, Community Broadband Act of 2007; S. 1675, Local Community Radio Act of 2007; H. Con. Res. 225, Honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; and the nomination of Mr. Todd J. Zinser, Inspector General—Designate, United States Department of Commerce (PN 908)

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 30, 2007, at 2:30 p.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled ''Protecting the U.S. From Drug Resistant Tuberculosis: Reinvesting in Control and New Tools Research'' during the session of the Senate on Tuesday, October 30, 2007 at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 30, 2007, at 9:30 a.m. in order to conduct a hearing entitled ''The Role of Local Law Enforcement in Countering Violent Islamist Extremism.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 30, 2007 at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Section 2 (b) of Public Law 98–183, as amended by Public Law 103–419, appoints Gail Heriot, of California, to the United States Commission on Civil Rights, for a term of 6 years.

ORDER FOR STAR PRINT—SENATE REPORT 110–208

Mr. DURBIN. Mr. President, I ask unanimous consent that Senate Report 110–208 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 360, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 360) offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 360) was agreed to, as follows:

S. RES. 360

Resolved, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

EXTENDING ELIGIBILITY FOR ESSENTIAL AIR SERVICE

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 2265, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. 2265) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2265) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

ANDREW LAROCHELLE GOD, FAMILY AND COUNTRY ACT OF 2007

The PRESIDING OFFICER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 430, S. 2198.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2198) to require the Architect of the Capitol to permit acknowledgment of God on flag certificates.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2198) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''The Andrew Larochelle God, Family, and Country Act of 2007''.

SEC. 2. FLAG CERTIFICATES ISSUED BY THE ARCHITECT OF THE CAPITOL.

The Architect of the Capitol shall permit the acknowledgment of God on flag certificates that are issued at the request of a Member of the United States House of Representatives or of the United States Senate.

MEASURES READ THE FIRST TIME—S. 2264 AND H.R. 2295 EN BLOC

Mr. DURBIN. Mr. President, I understand that two bills are at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2264) a bill to amend the Internal Revenue Code of 1986 to extend for two years the tax-free distributions from individual retirement plans for charitable purposes.

A resolution (H.R. 2295) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

Mr. DURBIN. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 31, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes it business today, it stand adjourned until 12 noon, Wednesday, October 31; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 3963, the children's health insurance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, October 31, 2007, at 12 noon.