

I said: Paul, I don't know if I am going to survive. He said:

Yes, we are going to survive.

Then 2002 came. I remember a dinner with another colleague. I won't mention the name. It is a personal thing. But we were thinking maybe of not running again. Paul Wellstone had said he was only going to serve two terms, and he was afraid of breaking that commitment. So we discussed this over dinner. Our wives were with us. We discussed the issue of running or not. I thought, well, I have been here for a couple terms myself. I didn't know if I wanted to do it anymore. That would have been my third term, his second. Then one by one we decided we were going to run again, and we talked Paul into it.

We said: Paul, you have to be here. You have to do it. And don't worry about that. Your people will understand. You have things to do. You haven't finished your job.

So we all decided, yes, we would seek another term in office.

Paul once said:

Politics is about what we create by what we do, what we hope for, and what we dare to imagine.

Paul was a hopeful man. I always remember that green was his color. He had that bus painted green. When I say "painted green," I mean with a paint brush. It was an awful paint job they did on that bus of his. He climbed aboard that bus in 1990 and set out to build a better America. But Paul never meant for it to be a solo voyage. He wanted us all aboard.

Though Paul is no longer with us, his journey for justice continues. Near the site of the tragic plane crash is a beautiful physical memorial for Paul and the seven others who died there: his wife Sheila, daughter Marcia, two pilots, campaign staffers Will McLaughlin, Tom Lapic, and Mary McEvoy. That is the physical monument.

I would like to think there are also living memorials that Paul would have been truly passionate about. One of those is the nonpartisan, nonprofit Wellstone Action organization founded by his sons, Mark and David, which trains citizens in civic activism and grassroots, people-to-people politics, the kind of politics he loved and excelled at like no one else.

I think there is one more Paul Wellstone legacy. It is not tangible, but it may be the most powerful legacy of all. That is our memory of his passion, his convictions, and his incredible capacity for bringing people together to accomplish important things.

Before closing, I must mention one of those important things he fought so hard for and was so passionate about that still remains unaccomplished. He fought hard all the time I knew him to end the neglect and denial surrounding issues of mental health, access to mental health services. Over 41 million persons suffer from a moderate or serious mental disorder each year. Less than

half receive the treatment they need, and 80 to 90 percent of all mental disorders are treatable by therapy and medication. Paul fought very passionately for the Mental Health Parity Act to end the absurd practice of treating mental and physical illnesses as two different kinds of things under health insurance.

In late 2001, the Senate passed the Mental Health Equitable Treatment Act, sponsored by Paul Wellstone and Senator DOMENICI of New Mexico—that was when I happened to be chairman. We had a brief interim where we had the Senate, at that time, 2001–2002—as an amendment to the 2002 Labor-Health and Human Services-Education appropriations bill. It passed the Senate. Then we went to conference. In conference it was argued that this was not the right place for it, that it should be on an authorization bill, not on an appropriations bill. I don't have the words right here, but I have them, when people committed that we would take care of mental health parity the next year on an authorization bill. So it was dropped in conference. Then 2002, 2003, 2004, 2005, 2006, 2007, and we still don't have mental health parity. The Senate passed it. A strong majority of Members in the other body supported a similar bill entitled the Paul Wellstone Mental Health and Addiction Equity Act of 2007. But we still don't have it done.

I can't think of a better living legacy to Senator Paul Wellstone than for this Congress, the 110th Congress, to pass the strongest possible mental health parity bill and send it to the President to become law. I hope we can get that job done before we go home whenever that may be.

In closing, for those of us who had the privilege of serving with Paul Wellstone, his spirit is still very much with us. He still inspires us. He still calls us to conscience. He still makes us smile when we think of his puckish humor. He was the finest of men. We miss him greatly.

Mr. CARPER. Mr. President, having had the privilege of serving with Paul Wellstone for a couple of years after arriving as a Senator, not knowing him as well as Senator HARKIN knew him, I say amen to all the Senator from Iowa said and thank him for reminding us.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). 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 PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The assistant legislative clerk read as follows:

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

#### Pending:

Sununu amendment No. 3452, to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.

Sununu amendment No. 3453, to prohibit Federal subsidies in excess of specified amounts on any Amtrak train route.

Lautenberg (for Carper) amendment No. 3454 (to amendment No. 3452), of a perfecting nature.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

#### AMENDMENT NO. 3453

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Jersey for giving me this time and for being a longtime advocate of Amtrak but not only the eastern corridor Amtrak. The Senator from New Jersey has worked diligently for a national system. The reason we have a need for a national system is because it is national. The national system connects other routes to each other. If we had funded Amtrak in the same way we funded and helped other modes of transportation, we would have a bigger ridership because we would have better on-time delivery. The bad on-time delivery has caused a drop-off in ridership. This does not mean we should abandon the national system.

I am pleased to be a cosponsor of this bill. Senator LOTT has been another longtime champion of a national system. There are 41 cosponsors of this bill. We have worked together to make sure we don't only subsidize the eastern corridor. I have said all along, it is national or nothing for me. I believe in a national passenger rail system, one that connects our country from coast to coast. My vision is that we have a track going across the northern part of the country from the Atlantic to the Pacific, the southern part from the Atlantic to the Pacific, and then from the top to the bottom of our country, from the northernmost point down to the tip of Florida and the tip of California. That is a national system. It would have a track that also splits the middle of the country from Chicago down to Texas. From there, we have the capability to have State systems that would emanate from that skeleton.

It is important that we stay together. It would be easy to say: Well, the northeastern corridor does own its own tracks, and therefore it is more efficient, and why don't we just cut off the rest of the country and subsidize that? That is not a national system. I

could not in good conscience support only a northeastern line. My constituents would be robbed of the Texas Eagle and the Sunset Limited lines, and there are other States that have legitimate needs as well. If we actually had done better by Amtrak all these years, we would require fewer subsidies.

I am pleased to support the bill, but I do not support the Sununu amendment. It isn't that I don't think his heart is in the right place. He is trying to save money because Amtrak is subsidized. We don't deny needed highways in the rural parts of our States. All of our Federal highway money is divided. It goes into rural areas. Why would we deny Amtrak service to other parts of the country that don't have the ridership mainly because of the on-time service not being dependable?

In 2003, a public opinion poll showed an overwhelming 85 percent of participants supported Amtrak, \$2 billion worth of funding for Amtrak. We need a better system. We are working for a better system.

The bill before us is a well-debated, well-adjusted bill that isn't everything the Senator from New Jersey wants. It is not everything the Senator from Mississippi wants. It is not everything this Senator from Texas wants. But I know that if we have a national system, it is an important alternative mode of transportation for our country. We need highways. That is the bread-and-butter transportation system for the country. We need air transportation, and we do provide an air traffic control system to support that. A national rail passenger train is another mode that, in the event of an emergency, is a very helpful mode of transportation. After 9/11, when our air traffic system was shut down, people went to Amtrak. We needed that for the emergency. I believe we would be able to have much more in Amtrak if we funded it at a level where it would have better service and if we could get freight rail to work with us to actually help us alleviate some of the congestion they cause on their freight lines. We could work this out if we had rail support for Amtrak. It is important that we do that.

In 2005, SAFETEA-LU authorized more than \$40 billion on our highways for fiscal year 2009. The Senate will take up an FAA bill later this year that will invest \$17 billion in aviation annually. We just sent the President a water resources bill authorizing \$23 billion over the next 2 years. There is always a different standard for Amtrak. Amtrak is asking for, in this bill, \$2.1 billion a year. I don't know why Amtrak is a stepchild. If we have the resources necessary to make it a system that serves the whole country, it would be an environmentally effective, efficient system that would operate to not only provide transportation needs in rural parts of the country, where you can have buses that go into very small communities and feed into an Amtrak

station, but the service would improve. The on-time delivery would improve. For the kinds of subsidies we need, that we are authorizing in this bill, it should be a national system, not a northeastern corridor system. That is what is fair for the country. It is right for the country.

Always in the Senate since I have been here, our Amtrak supporters have been national-or-nothing Amtrak supporters. I have supported the northeastern corridor. My friends on the northeastern corridor have supported a national system. Even in the hardest times, we have kept the system together. If we do that, we will see that the States will step in and do more, as California and some of the Western States have done, to their credit. We will have more private lines, more mass-transit lines, such as we have coming into Dallas, feeding into the Amtrak station, making it more used. In Texas, 250,000 passengers used the Texas Eagle and the Sunset Limited last year. It is a very important mode of transportation. The more we can do to make it efficient and effective, the better off we will be.

The Sununu amendment would wreck the national system. I hope we will reject that, even though I respect my colleague from New Hampshire. I know his heart is in the right place. I want to work with him to make Amtrak more efficient, but dropping national lines is not going to make it more efficient.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from Texas. She has always been a supporter of a national passenger rail service. We appreciate the fact that we can work together on this project.

Among the routes that would be eliminated under a proposal that is in front of us would be the Crescent in the first year. The ridership there is not quite what it used to be because it originates in New Orleans and New Orleans is not a place where there is a lot of traffic. The Sunset Limited is the one—I am sorry—originates in New Orleans. In the third year, the Texas Eagle would be eliminated. Each one of them by themselves is not massive, but they are all part of a national network. When 9/11 came along and the aviation system was closed down, in many cases the only way to get more people to their destinations, home or otherwise, was through rail service. This would be a national security breach if we permitted this to be discontinued. There is no country in the world where there is rail service that doesn't have some subsidy contribution. We have to adjust ourselves to that. Neither would our aviation system work if we didn't make contributions to that; neither would our highway system be operating if we didn't, and we are deficient there.

We have to make sure that a national transportation infrastructure is in

place. An integral part of that is national passenger rail service.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. LAUTENBERG. Surely.

Mrs. HUTCHISON. I was so pleased the Senator from New Jersey talked about the Sunset Limited because the Sunset Limited, which is the first line that would be eliminated under the Sununu amendment, connects California all the way through the southern part of the country, all the way through Texas. It goes through San Antonio and Houston, then over to New Orleans, through Mississippi, Alabama, and it ends in Florida. In Florida, you connect to go all the way up the northeastern corridor. If you take out the Sunset Limited—that is our intercontinental rail line all the way across the country on the southern side—you are taking out a major part of the connection to our national system. I hope the Senator from New Jersey is correct that we will not have a national system, if you take out the whole intercontinental southern half of it. I applaud him for bringing that out.

Does he think if we took out that whole southern system, the Sunset Limited, that it would enhance Amtrak? Would it enhance the eastern seaboard? Would it enhance all the investment California has made all the way up to California and into the States of Oregon and Washington? Would that be something that would help the system?

Mr. LAUTENBERG. In response, Mr. President, it would probably destroy the system. We can't escape the fact that the equipment is often moved around in different areas. We have to have this as a backup, as I said earlier, for security alone, but also, as we join the fight against pollution and greenhouse gases, the railroads are the best, most efficient use for transportation in those cases.

So I think the wholeness of Amtrak's system is essential. We want to work together and make sure we include this as one of the targets for improving our transportation efficiency in the country. We are, unfortunately, way behind—whether it is in aviation or on the highways; and, certainly, Amtrak has not gotten its share of support. So we are looking forward to doing that.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I do not want us to have only those speaking who are opposed to the amendment. I know the sponsor, Senator SUNUNU, is here and will probably want to speak momentarily in support of his amendment.

Let me say, to his credit, unlike some of our colleagues, he has been involved in this issue for years. As a member of the Commerce Committee, and when we were trying to get it up for consideration last year, he did not just try to block it from coming to the floor, he had some amendments, and we

agreed those amendments should be considered. That is the way to do this.

One of the things I said last night, and I want to expand on a little bit, is this bill may not be perfect, that we can perhaps have more improvements. But here is a case where the people I hear from say this is not a good bill because it does not do enough—not that they are opposed to most of what is in it, or what is in it; they just want to do more. But then you say: "All right, what do you want?" and they go silent.

So I think it is a major step in the right direction. If we can find more things that would improve the service, more reforms that would be helpful, I think we ought to consider that.

Mr. President, I ask Senator SUNUNU, would you like to speak now? I would be glad to defer and let you explain more about your amendment, and then I would follow you, if you prefer, or I can go ahead.

Mr. SUNUNU. Without objection, Mr. President, if I can respond to Senator LOTT, I am happy to speak whenever the Senator feels he has made all the points he needs to make, at least in the current time frame. I wish to speak for 10 or 15 minutes or so on the amendment, and we can move from there. I know we have been allotted 2 hours, but I hope and I think we will not have to take all the time.

Mr. LOTT. Mr. President, in the interest of fairness, usually we go back and forth. We have had a couple people speaking against the amendment—Senator HUTCHISON a few moments ago. I say to the Senator, if you wish to speak now, I encourage you to do so, and then we will have speakers on the other side after that.

Mr. SUNUNU. 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.

Mr. SUNUNU. 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. SUNUNU. Mr. President, I rise to speak on the amendment I offered last night. This is an amendment that addresses the most basic question of fiscal responsibility. "Fiscal responsibility," "fiscal responsibility"—we hear this phrase all the time from politicians, whether you are inside the beltway from Washington or outside the beltway. I am sure at times people listening to the debate turn the other way because they hear everyone using this particular phrase as it seems to mean something different to everyone. But I say it is a most basic question of responsibility. Because we are not talking about how high the tax burden should be, or even how much or how large the Federal budget should be; we are not talking about whether we should spend money in a particular area so much as we are asking how much we should subsidize a money-los-

ing proposition; how much money should the taxpayers be asked to spend on a business that is losing money.

Amtrak is a business, and Amtrak is losing money. We are in a position to be able to look at different parts of that business and try to identify exactly how much money they are losing in particular areas, and ask that simple question: What is fair? What is right? How much Federal funding should be used to subsidize a passenger on a particular train in the Amtrak system?

I would like to think my colleagues are willing to stand up and say the amount of money we should subsidize a passenger on a long-distance train is less than \$1 billion per passenger. I think we can get agreement on that. Sometimes I am not sure if we could get agreement on that, but I think we could get agreement we should not provide a subsidy of \$1 billion per passenger on every long-distance train Amtrak runs. That is a good starting point.

I would like to think we could get agreement the subsidy for every passenger on every long-distance train Amtrak runs should not be \$1 million per passenger. In fact, let's say for the sake of reasonable discussion we can at least—at least—agree the maximum subsidy should not be \$1,000 for every single passenger.

This is a basic question of fiscal responsibility. How big should that subsidy be?

Well, let's look at, first, how big the subsidy is today. There are 15 long-distance routes. Mr. President, 15 percent of Amtrak ridership consumes 43 percent of the total Amtrak budget. That is well in excess of \$1 billion. The revenue generated? Less than \$400 million. By the Commerce Committee estimates, that means there is as much as \$900 million in losses—losses—for these 15 routes. The average per-passenger subsidy is in excess of \$200 for everyone riding these trains. Now, I say "as much as \$900 million" because no one knows how much is being lost today.

We have heard about all the fiscal reforms in this package, and we hope they better enable us to understand how much money Amtrak is losing, but the last time any clear audit was done on these long-distance trains was in 2004 by the Inspector General. Let's look at what the Inspector General audit found in 2004.

At that time, the losses were \$475 million. They have only gone up since then. On the 15 routes, of course, the losses vary. On some routes they are higher than others. I think the lowest was for the Auto Train that runs from Orlando to Washington, DC. The subsidy per passenger was about \$26. Given the importance many place on having a national system, and recognizing we provide different types of subsidies to aviation service, and even to our highways in different ways—mass transit as well—a subsidy level of \$15 or \$20 or \$25 may well be justified. But that is the

lowest subsidy level on any of the routes. The highest subsidy levels? In some cases, the Sunset Limited, at \$286 per passenger; the Southwest Chief, at \$198 for every passenger running on that train; the California Zephyr, at \$140 per passenger.

Where are we going to draw the line? Perhaps those who will support any of these long-distance trains no matter how much they are losing can stand up and say: Well, look, the good news is it is not \$1 million per passenger. That is not good enough. It certainly is not good enough when we are taxing working families across America to provide these subsidies.

It begs the question whether you could buy airline tickets for the amount that gets lost on any one of these routes. I think in many cases you could pay the airfare. I had my staff look today at what they might pay for an air ticket for the route of the California Zephyr. It certainly is lower than the cost of the train ticket. It is even lower than the cost of the subsidy. As compared to the Southwest Chief, the air ticket is lower than the cost of the train service and even lower than the subsidy—the cost to taxpayers for every passenger running on this system—and so on down the line.

Now, I understand Amtrak has improvements they wish to make, that this bill has budget reforms and auditing reforms and costs management reforms that hopefully will improve these numbers. But we have to draw the line somewhere. All my amendment says is: draw the line at \$200—\$200 per passenger—on any given train route. Next year, we lower that to \$175; in the third year of the bill, \$150. I think if you ask any American: "Should we provide a subsidy of \$150 per passenger," they would say: Of course not. That is ridiculous.

We all feel there is some real value in train service, that Amtrak has great potential—a potential to be more successful, more financially successful, and to attract a different ridership. This amendment would not affect any of the corridor routes that serve the southern part of the country, the central part of the country, the west coast of the country, the Northeast part of the country. It would not affect any of those corridor routes. The corridor service is 46 percent of the ridership in the country. This amendment would not affect the Northeast corridor. That is nearly 40 percent of the ridership in the country.

So the vast majority of people who enjoy or depend on service through Amtrak would not be affected. In fact, the vast majority of the riders on the long-distance routes would not be affected because today, at least according to the Inspector General's audit, there is only one route that is in excess of the \$200 subsidy level. There are only two that are in excess of the \$175 level.

So if there is a real belief this bill is going to address these concerns and this problem, even the strongest supporters of long-distance service should

be willing to support this amendment because, if nothing else, it will provide a real incentive, an honest incentive, to improve the performance of these routes.

You would like to think it can be done. I would like to think it is not impossible to run these routes without losing \$150 and \$200 per passenger. Maybe it is not. But if it is not possible, the American people should be told it is not possible today—not in 3 years or 5 years or 10 years.

All the amendment would do is ask for some basic level of fiscal responsibility, to set some threshold as to the amount we are not willing to spend on these per-passenger subsidies. I hope those who feel most strongly about this legislation and about Amtrak can recognize this can only provide incentives for their performance, improvements they argue they want so very much. I encourage my colleagues to vote for the amendment, for no other reason than because I think it is pretty hard to defend a vote against it when we have families across America who are working hard, paying taxes every day, who could certainly use the \$200 in subsidy per passenger, or the \$150, or the \$100, to spend themselves. Those are taxes we don't need to collect if we are not running these routes at such incredible losses.

Thank you very much.

Mr. President, I reserve the remainder of the time we control.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, would the Senator yield 3 minutes to me?

Mr. LAUTENBERG. I am pleased to yield 3 minutes to the Senator from North Dakota.

Mr. DORGAN. I appreciate the courtesy.

Mr. President, how could something so wrong sound so good? Well, the answer is the label doesn't describe the problem. This label says it is going to be fine, but the product says: Let's get rid of rail passenger service in this country, except for Boston to Florida, the eastern corridor.

Let me describe it in the context of the Empire Builder, a wonderful train that goes up through my part of the country. One hundred thousand North Dakotans rode the Empire Builder last year. That train has a great history, it has a past, and it also has a great future in my judgment.

But there are those who come to this Chamber time after time after time and want to get rid of long-distance train service in this country. Why? Because they believe the country is crowded on the east coast and they ought to have good train service on the east coast and the rest of it doesn't quite match up. Look: Every country in the world virtually that has rail service, rail passenger service, has some subsidy for it. We subsidize most transportation services in this country. I don't have a problem with doing that.

I think a national rail passenger system contributes to this country in a

very significant way. Somehow, to suggest that our rail passenger system in the future should look like this: You have rail passenger opportunities from Boston down to Florida on the east coast, and the rest of it, you know, you don't need it—to suggest that is to ignore a significant part of this country.

I support Amtrak. Can it work better? Sure. My colleagues, Senator LAUTENBERG and Senator LOTT, have been great stewards in trying to put together legislation that accomplishes that. But I would say this: I think this country is strengthened and is a better country and has a transportation system that is a better system because we have a national rail passenger system.

This is not a new amendment, I say to my colleagues. We have had this amendment around before. It has had different titles, but it is an amendment that says: Let's get rid of long-distance train service because there are people who have never liked Amtrak very much. Well, people probably will want to have train service, passenger rail service from Boston to Florida forever because that income stream of the large population center sustains it. The question is: should we have a national rail passenger system? Our country long ago answered that question and said: Yes, we should. That is why we have a national system.

My colleague says: Well, there wouldn't be much consequence if we pass this amendment. Oh, yes, there would. Most of the long-distance rail system would cease to exist. That is what this product is. It doesn't say that on the label, but that is what the product is. I don't disparage my colleague for suggesting it. We come from different parts of the country. He apparently believes that only the eastern corridor should end up with a rail passenger system. I think it enriches our country, across the country from East to West to have a national rail passenger system that works well. It works well for my State. One hundred thousand people a year board that Amtrak system. They like that service. I hope the Senate will decide to weigh in, in opposition to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, do I control the time on our side, or do I need to request the time to be yielded?

The PRESIDING OFFICER. The Senator controls the time on his side.

Mr. SUNUNU. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46½ minutes.

Mr. SUNUNU. Thank you, Mr. President.

First, for any Senator who stands up and states that I believe there should only be service in the Northeast is wrong. It is wrong in substance, and I think it is wrong in the spirit of the debate on this floor because I certainly never suggested that. In fact, I suggested the opposite: No. 1, that this

amendment doesn't affect the corridor services on the gulf coast, on the west coast, in the Northwestern part of the United States in any way, shape, or form; No. 2, that this only affects long-distance lines that lose more than \$200 per passenger; and No. 3, that the goal of having a national service is a good one, provided that the level of cost and subsidy can be maintained.

The suggestion was made earlier that I want to get rid of long-distance trains. Again, no—only those losing more than \$200 per passenger. In fact, to the point of the line that was mentioned previously in debate, the Empire Builder; according to the statistics of the Inspector General's review in 2004, it wouldn't be affected by this amendment either. The Empire Builder lost \$94 per passenger in 2004. I hope the performance has been improved a little bit since then, but even if it hasn't, even if this is one part of our economy that has seen no improvements in productivity since 2004, no reduction in costs since 2004, no improvements in marketing and ridership since 2004, the Empire Builder wouldn't be affected because it lost less than \$200 per passenger. In fact, the Empire Builder wouldn't be affected in the year 2009, when that subsidy threshold drops to \$175. It wouldn't be affected in 2010, 2011 or 2012, because over the 5-year period, we only bring the cap down to \$100, and the Empire Builder would still be below that figure in what it loses per passenger. In fact, in addition to the Auto Train, which I mentioned earlier, the Coast Starlite, the City of New Orleans, the Silver Service, all of those cost taxpayers less than \$100 per passenger.

Now, is a subsidy of \$80 or \$90 per passenger; a loss of \$80 or \$90 per passenger; good? Is it that easy to justify to a family as they pay their taxes on April 15? I would be hard-pressed to justify that to people in my State of New Hampshire. But regardless, those routes are unaffected by this amendment. In fact, there are many others—several others—whose cost per passenger is in the range of \$100 to \$125, according to the Inspector General's report in 2004. I would hope and I would think they can improve performance by the 10 percent or 12 percent or 15 percent necessary to get below that \$100 cost per passenger as well. Maybe they can't. We can't forecast the future. But I think we can set an honest and a reasonable limit on what subsidies we are willing to provide.

Again, I can't state it plainly enough. This amendment doesn't affect 85 percent of the routes and ridership of Amtrak, the people who ride from all over the country—North, South, East, and West. It doesn't affect any of those long-distance routes, and there are probably close to half of them that have a subsidy level of less than \$100 today. For any of those that meet the performance benchmarks, they would be unaffected as well. I hope my colleagues can support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I would be interested in speaking on behalf of the Sununu amendment. I don't know what the alternating agreement is.

Mr. SUNUNU. Mr. President, I yield time to the Senator from Alabama, whatever time he needs to consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will be brief. Amtrak does go through my home State, and I have been interested in the impact of not having support for that periodic travel through our State that the system does and how much it costs and what the right public policy should be and how we should think about it. I would note Amtrak operates 44 routes over 220,000 miles of track, and 97 percent of those tracks are freight company tracks. But it runs a deficit each year, and we have to have Federal subsidies for it.

The crux of the public policy issue that all of us, I think, should think about for the overall public policy—not for one or two little—not for a few people in a vision for what we ought to do for the future but what is the truthful situation we are in.

Kenneth Mead, the Department of Transportation inspector general, succinctly stated the situation this way:

The mismatch between the public resources made available to fund inner city passenger rail service, the total cost to maintain the system that Amtrak continues to operate, and the proposals to restructure the system comprise dysfunction that must be resolved in the reauthorization process of the Nation's inner city rail system.

This proposed reauthorization would entail about a \$2 billion-a-year subsidy for the next 6 years. Remember, the bill that was enacted in 1997 to reform and have accountability for Amtrak contemplated there would be no more subsidies in 2002.

Now, Senator SUNUNU has studied this issue, and I believe we can rely on the things he is saying, fundamentally. It is important, and I am glad somebody has committed the time and effort to point out some of the problems with going forward with business as usual.

I am going to take a couple of minutes and share some thoughts. The train that goes through Alabama, Mobile, AL, east and west, it comes up—I am not sure exactly what the situation is this year, but when I checked last year, the train went through 2 or 3 days a week going east at 2 a.m. in the morning, and when it goes west, 2 or 3 days a week, it was 3 a.m. in the morning. Now, that is not likely to attract a lot of customers.

Let me show this chart and go through it. I believe we will come to understand that what we are talking about, I say to Senator SUNUNU, is trying to do something that is basically impossible to do. It is not going to work. I wish we could. As we used to

say in the country—I grew up on the railroad tracks. My daddy had a country store. There were three country stores and a railroad depot in our little community. The train went by, we had a passenger—I remember when we had a passenger train down there. There hasn't been a passenger train on that road in 40 years. There is only one store left and no railroad depot. Times change. Things happen.

Let's look at this chart on what it would take from Birmingham to Washington, DC. Well, what are your options? If you go on a commercial airline—the one we checked here was a direct flight from USAir last October—to Birmingham, there were seven direct flights to Washington, DC, from Birmingham, AL, a day. If you take your personal vehicle, you can leave anytime you want to leave. If you take the train, there is only one a day. That limits your options. People, when they are deciding how to make a trip, think about these things.

What about how long does it take? The air time is 3 hours 12 minutes, the personal vehicle is 11 hours, approximately, and the train time is 18 hours.

What about how many stops do you make? If you take an airline, it is one stop. It is a direct flight.

What about your personal vehicles? Let's assume you make four stops. But Amtrak is making 18 stops. It is not taking the shortest route.

What about our cost? I was surprised at this when we looked at the numbers. The primary cost for a round trip airline ticket, as I said, as of last October, was about \$328. We now think it is \$350 or \$360, something around that price. That is what the commercial airline fare is. If you took your personal vehicle, the cost for gasoline is \$87. Gas is about \$2.97 a gallon today. The Amtrak ticket is \$206 round trip.

I don't know that this is an accurate figure for the food and board, but in the air you have no cost of food and a room is not needed. In a personal vehicle, you can estimate one meal or two meals at \$20. On Amtrak, the high cost of food and a sleeper car can put you well over \$100—maybe even \$200—as our figures show. On the commercial airline, the total cost for one way would be \$160 to \$175. A personal vehicle is less than that while the train is more than that. The train is going to be much more than that one way.

So this is why people are not traveling long distances on trains. It is not because they are not there. They are there. But you say: Well, what we need is Amtrak coming through Mobile at 5 a.m., 7 a.m., or 8 a.m. Well, you cannot make that happen. To do that, we would have to double the number of trains or triple or quadruple them, and they will lose even more money. I wish it weren't so. I wish we could make this system work, but certain long routes are not feasible. However, Congress, being what it is, mandates it. We say you have to run these routes, and Amtrak runs up billions of dollars in

debt trying to comply. If I could see us moving to a time when we would come close to making this feasible, I would be supportive.

Mr. LAUTENBERG. Mr. President, can I ask a moment of the Senator's time without him losing his right to the floor? I have a unanimous consent request.

Mr. SESSIONS. I am pleased to yield for that purpose.

Mr. LAUTENBERG. Mr. President, we are planning to hold the vote at 12:15. I want other Members who are interested to know that.

I ask unanimous consent that at 12:15 today the Senate proceed to vote in relation to the Sununu amendment and the time until 12:15 be equally divided and all provisions under the previous order remain in effect. I assume Senator SUNUNU has agreed to this.

Mr. SUNUNU. We have no objection.

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

Mr. SESSIONS. Mr. President, while I am not opposed and don't think the proponents of the legislation have a bad intent, they have a vision for a national rail system, and they are willing to put billions of dollars into it. But I have never been able to lay my hand on a study that shows that a national rail system mandated by the government is feasible over long distances. Yet there was a study that showed, even in Europe, that train routes within certain ranges will work. I think the distance was approximately 200 to 300 miles. If it is much longer than that, people almost always choose to fly. If it is much shorter than that, they almost always choose to drive. Americans, more than anyone else in the world, have automobiles, and we choose to drive frequently. It allows you to arrive when you want, carry things you want to carry, drive straight to where you intend to go, and not have to wait in a station. And you don't have this on time problem. Commercial airlines are on time about 80 percent of the time. Amtrak was only on time 66 percent of the time. That is another factor you have to think about if you are going to regularly use a long-distance train.

In certain corridors, where the traffic is heavy, it works, and I am not disputing that. I am not for shutting down a profitable route or even routes that are close to profitable, which we can justify subsidizing. But I think, in all honesty, that Senator SUNUNU has raised a legitimate point. How much can we support these routes that are losing money, are unlikely to ever make money, and are driving up a heavy cost that the whole Amtrak system must carry in its effort to comply with congressional mandates?

So if you could reduce some of these losses that are draining Amtrak's ability to be effective and gave them some freedom to make business decisions rather than having their operations determined by political decisions made by Congress, I think we would be better off. So after much thought and review,

I have concluded that this is a rational amendment. It is hard for me to see how it can be opposed. Therefore, I will support it. I thank the Senator for offering it.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. LAUTENBERG. I yield 7 minutes to the Senator from Delaware.

Mr. CARPER. Mr. President, I used to serve on the Amtrak board of directors. We have a lot of trains running up and down the Northeast corridor. I have ridden on them since I was a little boy. The trains run about every hour. You can catch a train in Boston to come to DC pretty much every hour; between New York and DC, the frequency is even more. They run from 5 in the morning and go well into the night.

The reason a lot of people don't ride trains across the country is there are 15 different long-distance trains, which only run 2 or 3 days in a lot of cases. It may come in at 1, 2 or 3 a.m. in the morning, and it is not very convenient. It is hard to build ridership. I agree with Senator SUNUNU. I am not interested in spending \$200 or \$150 per passenger to subsidize long-distance trains. We don't do it in the Northeast corridor.

We have addressed this in a more thoughtful way, and I want to share that. I commend Senator LAUTENBERG and Senator LOTT and our staffs for working on it for years. The legislation calls for the Federal Railroad Administration to actually study every year, for the next 3 years, five long-distance train routes to figure out why they lose money and what can we do to reduce the cost of the train routes. I think they will find this in places in the Midwest. These numbers are out of the Midwest. There is a lot of investment, particularly in the Illinois area. Ridership is up on the Chicago-St Louis corridor in the last year. Ridership between Chicago and Carbondale is up 46 percent. For the Chicago-Galesburg-Quincy route, ridership has increased 33 percent. They have actually added frequency and provided better service and more on-time service, and they have worked with the freight railroads that control the tracks to get better support so that they let the passenger trains run on time.

I think there is a better way to skin this cat than our friend, Senator SUNUNU, has proposed. I believe the answer is in the legislation. If you look at the country as a whole, today we have probably over 50 percent of the population living within 50 miles of one of our coasts. Think about that. What that means is we have these densely populated corridors up and down the east coast, the gulf coast, and on the west coast. They are perfectly suited for high-passenger corridor rail service.

Think about the other places around the country, and there is an example of the St. Louis-to-Chicago route. That part of America is where densely populated corridors also exist. My suspicion

is if we provide them the kind of service we are providing on these coastal corridors, we would see the increase in ridership that we are seeing in Illinois and also in Missouri.

Again, to my friends who want to make sure we take some affirmative action to provide better train service but reduce the kind of subsidies now being paid for folks riding trains that run every 2 or 3 days, coming through communities at all hours of the night, as well as the day, there is a smarter way to do this, and it is in the legislation.

I encourage my colleagues to oppose this particular amendment, however well intended it is. I think there is a better way to get to the legitimate issue raised. It is the language Senators LOTT and LAUTENBERG and our staffs and I have crafted and included. The first year, we would take five long-distance train routes and scrub their performance and find out a smarter way to provide the service. The second year, we would do five more, and the third year, five more. So over 3 years we would scrub 15 of these.

A lot of people are starting to ride trains who would not have thought about it before. That is because of congestion on the roads and highways, in airports, bad pollution in the air, and our dependence on foreign oil. The passenger rail service can address all those issues. Amtrak is not the whole answer, but it begins to get at the answer.

The language in the underlying bill answers the question Senator SUNUNU raises. I urge a "no" vote on the amendment and support for the underlying legislation.

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

Mr. LAUTENBERG. Mr. President, we understand that Senator SUNUNU comes with a background in business and comprehension of what balance sheets and financial statements are like. We recognize that the State of New Hampshire does have some Amtrak service. But the State of New Hampshire is also one of the beneficiaries of something called Essential Air Service, where the country takes great pains to make certain that communities are not so isolated that you have difficulty in traveling from there and to there. It costs the Federal Government about \$50 million a year for Essential Air Service. We are all in the same boat. It is our country, these are our communities, and they have to be part of the functioning of our society.

So when I look at the amendment proposed by the Senator from New Hampshire, this amendment would destroy our national passenger rail system. Based on 2007 data, the Sununu amendment would immediately cut passenger rail service to the entire Southwestern United States. Four of Amtrak's longest train routes would be gone. It is easy to see on this chart the lines that crisscross our country. You are saying that almost everything, in

about a 5-year period, would be pretty much not in existence. We start off with four of Amtrak's longest train routes, most of them in the Southwest. Next year, five more trains would be eliminated, including the Silver Star, which is New York to Miami; Silver Meteor; the Cardinal; the Coast Starlight, Seattle, WA, to L.A., CA; and the Lakeshore Limited, Chicago to New York. These comprise something over a million travelers a year. Within 5 years—likely sooner—the entire national network of long-distance trains would be gone because corporate overhead costs would be shared among the remaining routes, increasing their costs.

These long-distance trains provide essential transportation services to millions of Americans, and their ridership and revenue has been growing.

Last year, ridership increased on Amtrak's long-distance trains 2.5 percent and revenue went up 5 percent. For instance, if we look at Amtrak's Palmetto train, which is New York to Miami, its route extends south from the Northeast corridor and serves South Carolina, Georgia, Florida, North Carolina, and Virginia. It had 7.5 percent more riders than the year before, a total of 157,000 riders.

The States want Amtrak service, and they want to expand it as well.

One Governor—I have a letter written in 1996—wrote to Amtrak claiming:

Many of us believe that Amtrak finances and operations are a matter for the Federal Government. The Federal Government created Amtrak.

This is the letter from the then-Governor of Texas, George W. Bush, in 1996. He attributes responsibility to the Federal Government.

To connect our rural areas with our urban commercial centers, the Federal Government subsidizes all modes of transportation. We have essential air service, which I mentioned. We have Federal subsidies for intercity bus transportation. And since the Federal Government took over passenger rail service, we have funded it as well.

I wish to make note of the fact that despite the fact that our airlines are for-profit companies, we insist that we have to help them function and we give them about \$3 billion a year in subsidies. These are for-profit companies. We want them to keep flying. There has been about \$20 billion put into the aviation system since 9/11.

I remind our colleagues, there is no passenger rail service in the world that earns a profit. Countries pay for rail service because of the benefits, and if you eliminate these trains, it would mean millions of additional cars on the highways and even longer lines at the airport, adding to our country's congestion problems.

In addition, terminating these routes destroys Amtrak's interconnected system, isolating different parts of the country from one another and reducing the utility and the value of all of Amtrak's services.

This bill, our bill, already cuts Amtrak's operating subsidy by 40 percent. And rather than micromanaging Amtrak, our bill mandates that this performance standard is the one the company must meet. We also require Amtrak to tell us how they plan to meet this standard. They need to set up specific improvement goals and plans for each individual train route. If the plans are not followed or if they don't work, funding for that train route can then be terminated.

Senator LOTT and I, along with Senator CARPER and others, put a lot of thought into this bill. It will make major improvements to rail service in our country. The Sununu amendment does exactly the opposite. It will destroy America's national passenger rail network. Ironically, it won't even save money because a sudden and massive reduction of trains that this amendment would force would leave Amtrak with huge labor costs for displaced employees.

This is not a new subject we are airing today. In some ways, it would be nice to be able to agree with Senator SUNUNU on this issue and say, OK, it would be nice if they could pay their own way, but they can't do it. When you are operating on schedules that, in many cases, pay lots of attention to the key peak work hours and then don't have the traffic after that—

The PRESIDING OFFICER (Mr. TESTER). The Senator's time has expired.

Mr. LAUTENBERG. How much time do we have left?

The PRESIDING OFFICER. None.

Mr. LAUTENBERG. That is good. We have no time left. We had, I thought, a minute or two before the vote.

Mr. SUNUNU. Mr. President, is it true that I have plenty of time left?

The PRESIDING OFFICER. It depends on the Senator's definition of "plenty." The Senator from New Hampshire has 11 minutes remaining.

Mr. SUNUNU. In New Hampshire, 11 minutes is plenty of time. I yield 2 minutes to the Senator from New Jersey to finish his remarks.

Mr. LAUTENBERG. I thank the Senator. May I take that at the end of the Senator's presentation?

Mr. SUNUNU. Mr. President, I wasn't aware this was a negotiation as opposed to an act of solidarity with my colleague on the other side of the aisle. I will be happy to reserve Senator LAUTENBERG's two minutes for the end.

Mr. LAUTENBERG. I am touched by the generosity of the Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that we reserve two minutes on each side for the end of this debate. I have a couple of minutes of comments, and then if there are speakers on the other side, we may still have another couple of minutes to yield to them as well.

Mr. LAUTENBERG. I am concerned. Senator LOTT wanted to say a couple of words.

Mr. SUNUNU. Excellent. I will be happy to reserve those two minutes for the other side.

Mr. LAUTENBERG. That is a satisfactory arrangement, and I consider it to be very fair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use my portion of time to conclude my remarks. I wish to address some of the points Senator LAUTENBERG made in his presentation.

First, it was suggested that under 2007 data, four routes would have to be shut down if my amendment were made the law of the land. I find that surprising and maybe a little problematic for a couple of reasons. First, I am not aware of any Inspector General audit that was done for 2007, which would be required under the amendment. The only IG audit of which I am aware, the most recent one, was in 2004, and that indicated only one route did not meet this threshold. So, first, I don't think there is any data to make that assertion that four routes would be closed.

Second, if that were the fact today, that means the situation has gotten worse over the last three years; that it has gotten worse and that the costs are trending in the wrong direction, and that is something about which we should all be concerned and, in fact, alarmed.

Third, it was suggested that closing four routes, if that were the case, would be a sudden and massive reduction in the capacity of the system. In fact, even if four routes were affected, we are talking about 1 to 2 percent of ridership.

The phrase "making people pay their own way" was also used. It does nothing of the sort. As I indicated, I think there is an opportunity for providing some support or subsidy level, certainly in the medium term. This would by no means require anyone to pay their own way because it would still allow in the first year subsidies up to \$200 per passenger and in the second year subsidies up to \$175 per passenger. Only in Washington would a \$200 subsidy be called "paying your own way." That is just not right.

Finally, it was suggested that closing one of these routes would isolate parts of America. I think the idea that eliminating a long-distance train would isolate people in America in this day and age, given all the ways we have to travel, to communicate, and to reach out to one another, is ridiculous.

This is a common-sense amendment. This is not the grim reaper for national train service. This amendment only says if a route is losing more than \$200 per passenger, we should not continue to operate that service. I suppose it is a little bit like hitting yourself in the head with a hammer: Maybe once you really get going, you are reluctant to stop because you think the next time you hit yourself in the head it might not feel quite as bad. At a certain point, we need to draw the line. I think

\$200 per passenger is a pretty reasonable line to draw. I encourage my colleagues to support the amendment.

I reserve the remainder of my time. I am happy to yield Senator LOTT 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the Senator from New Hampshire is yielding me 2 minutes out of the time of the proponents of the amendment? I don't want to mislead anybody here.

Mr. SUNUNU. As the Senator may not be aware, we have a unanimous consent agreement, and having consumed all the time on the opponents' side, I offered to share an additional 2 minutes so that Senator LOTT can conclude his remarks.

Mr. LOTT. Mr. President, that is typical generosity of the Senator from New Hampshire. He is engaged, thinking about this issue and trying to do the right thing.

I also think this is a classic chicken-and-egg deal. We tell Amtrak we want them to do better, but yet we don't offer any reforms, challenges, responsibilities to do better. We throw rocks and say: Why aren't you providing better service at cheaper rates?

I think you need a plan to move toward actually what the Senator from New Hampshire is trying to achieve. The bill before us, S. 294, already requires Amtrak to reduce its total Federal operating subsidy by 40 percent over the life of the bill. The bill gives Amtrak management the flexibility to achieve this goal through cost savings, route changes, revenue growth, or expanded service rather than through mandated route cuts. Additionally, the bill requires improvement plans for each long-distance route that will focus on strategies to increase revenues, ridership, efficiencies, and service quality. These plans must be implemented and achieved in order for them to continue to get Federal routes.

I think some of these routes are going to eventually need to be terminated, but if we do what this amendment would do, it would basically, cold turkey, start eliminating routes very soon, including, to be perfectly honest, the Crescent, which is the train that comes down through the heart of the South, through Meridian, MS, Hattiesburg, down to New Orleans. We need that service.

Also, this would force cuts at a time when we need more rail service, not less. We have ever-increasing air and highway congestion and environmental concerns. The Federal Government provides operating subsidies in all these other areas, but we are saying we want to terminate these long-distance routes. If we want a national rail passenger system, we are going to have to keep some of these routes going at least until we make an effort to make them more cost efficient.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, we are approaching 12:15, which is the time for the vote. I wish to conclude first by responding to some of the remarks and the observations made by the Senator from Mississippi.

First, there was mention of the Crescent, which is one of the 15 long-distance trains. Under the 2004 Inspector General's audit, the Crescent lost \$114 per passenger in coach class. At that rate, they would not be affected in 2008 by this amendment. They would not be affected in 2009 by this amendment, or 2010 or 2011. They might be affected in 2012 if they have failed to improve any performance on the basis of cost over a 4-year period. I don't think that is Draconian. I don't think that is too much to ask. I hope the Senator from Mississippi and others will support that kind of improvement in performance, and I think it can be achieved.

To that point, the Senator from Mississippi said: We need to do better; we need to have a plan for doing better. From what I have heard, he and many others believe this bill is the plan to do better, and I think in many parts it is a plan to do better. I support that concept. I support a blueprint for improving financial reporting, standards of accounting, and cost performance.

What my amendment simply does is tell people honestly and directly: How much better do we expect you to do? What is the minimum we expect you to do? We expect ridership or routes not to lose \$1 million per passenger, or \$500,000, or \$1,000, or \$500 per passenger, and I think it is reasonable to say we expect you not to lose \$200 per passenger. That is what we are asking. That is how much better we expect you to be for only those routes which are not meeting that standard today.

It is a reasonable standard. It is an understandable standard. Under the 2004 data, it would affect one of the 15 routes. It might affect more than one. It might affect two or three more routes 2 or 3 years from now if they have failed to improve. But when we are asking families across America to fill out their tax forms every April 15 to provide resources to our country to fulfill important obligations, I don't think we should be asking those families to subsidize passengers on Amtrak at \$200 per person.

It is reasonable, and I hope my colleagues will support a commonsense amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sununu amendment, No. 3453.

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

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLIN-

TON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

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

The result was announced—yeas 28, nays 66, as follows:

[Rollcall Vote No. 395 Leg.]

YEAS—28

Alexander	DeMint	McConnell
Allard	Dole	Roberts
Barrasso	Ensign	Sessions
Bennett	Enzi	Shelby
Bond	Graham	Sununu
Brownback	Gregg	Thune
Bunning	Inhofe	Vitter
Burr	Isakson	Voinovich
Chambliss	Kyl	
Coburn	Martinez	

NAYS—66

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

NOT VOTING—6

Clinton	Feinstein	McCain
Dodd	Kennedy	Obama

The amendment (No. 3453) was rejected.

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

Mr. LOTT. 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 Hampshire.

Mr. SUNUNU. Mr. President, I recognize I did not prevail in that amendment, but I appreciate that debate and the managers allowing me time on the debate. I do have another amendment. I told them I would try to move my amendments, so I have another amendment I wish to offer.

Mr. President, what is the pending business?

AMENDMENT NO. 3454

The PRESIDING OFFICER. The pending business is the Lautenberg for Carper second-degree amendment.

Mr. SUNUNU. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LAUTENBERG. Objection.

The PRESIDING OFFICER. At this moment there is not a sufficient second.

Mr. SUNUNU. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. We object.

The PRESIDING OFFICER. Objection is heard.

Mr. President, I think the bill manager does not have a copy. It was such a short amendment, I sort of assumed that multiple copies were made. If I can ask unanimous consent to speak on the topic of the amendment, to provide a little background.

Mr. BYRD. Would the Senator inform the Senate as to what the subject of his amendment is?

Mr. SUNUNU. I would be pleased to describe the amendment prior to it being offered.

Mr. President, this is one of the two amendments I filed in committee, but did not offer on the bill, because I wanted to allow a vote and debate on the floor rather than delay us unnecessarily in committee.

This is an amendment that addresses the question of competing on different routes within the Amtrak system. Under this legislation that is before us today, there is an allowance to have two routes competitively bid each year.

The managers think that is a good idea. I think that is a good idea. But I do not see why there needs to be a legal restriction on the number of routes that could be bid or sent out to bid under competition. This does not mandate that bids be put out to competition, but it certainly would allow that.

That is what my amendment is intended to do. At this time, I yield to wait for the copies to be distributed in a timely way.

Mr. President, at this time I believe copies have been distributed.

AMENDMENT NO. 3456

(Purpose: To remove the limitation on the number of Amtrak routes available for competitive bid)

Mr. President, I send an amendment to the desk, ask unanimous consent that any pending amendment be set aside, and ask for the immediate consideration of this amendment.

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

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 3456.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, the Senator has an amendment?

Mr. SUNUNU. I do.

Mr. BYRD. Does he wish to have it read?

Mr. SUNUNU. I have submitted the amendment to the bill manager and to the clerk and asked that it be considered.

The PRESIDING OFFICER. The clerk has reported the amendment by number.

Mr. BYRD. Will the clerk read the amendment?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 35, strike line 1 and all that follows through "(A)" on line 4 and insert the following:

“(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike 11 through 16.

Mr. SUNUNU. Mr. President, I apologize again to the bill manager for not having a copy for him.

As was clear from the reading of the amendment, if nothing else was clear, it is a brief amendment. It strikes the line of the bill that would have placed a limit on the number of routes that could be allowed for a competitive bid.

That means it allows for an operator to offer to run that route at an effective cost with particular service goals in mind in order to provide service at or above the current quality of service at a lower cost. I think it would be a mistake to place an arbitrary restriction on the number of routes that could be competitively bid.

Certainly decisions about putting routes out to bid, or which routes are put out to bid, how they are done, would still be in the hands of the management team at Amtrak. I think that is as it should be. I appreciate the opportunity to offer the amendment. I ask that my colleagues support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we look forward to a full discussion of this amendment. We do provide in the bill an opportunity for a competitive review on two lines.

Whether it should be expanded is something we will want to talk about. We think that two lines each and every year can be competed for and reviewed by Amtrak. We have to examine it here. But our inclination is to oppose this. But we will have a discussion about it at such a time as we go to a vote.

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.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Sununu amendment No. 3456.

AMENDMENT NO. 3455

Mr. ALLARD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment 3455, the Allard amendment.

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

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3455.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provisions repealing Amtrak's self-sufficiency requirements)

Strike subsection (a) of section 219.

Mr. ALLARD. My amendment is very straightforward. Right now there is a provision in law saying that Amtrak is supposed to be financially self-sufficient. To be clear, the provision does not even apply to Amtrak as a whole. It only requires Amtrak to be operationally self-sufficient, presuming, of course, that the Federal Government will continue to provide capital subsidies.

I was surprised and even disheartened to learn that S. 294 would repeal this provision in law requiring Amtrak to become operationally self-sufficient. I strongly believe that this goal should be maintained.

My amendment would strike the provision in the bill that repeals the self-sufficiency goal.

I am quite puzzled that the Commerce Committee report noted:

This repeal is technical in nature and not meant to indicate that Amtrak should not strive to reduce its dependency on Federal funds or improve the efficiency of how it spends Federal funds as elaborated through this bill.

This statement makes no sense. If we repeal a provision calling on Amtrak to become self-sufficient, we are saying they have no need to reduce their dependency on the taxpayers. There is no other way to interpret it. We need to be crystal clear that we expect them to reduce their dependency on Federal funds, and the only way to do it is to maintain this provision in current law.

To be clear, even with the provision in law, Amtrak has made little progress toward becoming operationally self-sufficient. According to the Department of Transportation Office of Inspector General, Amtrak continues to incur substantial operating losses, and over the last 5 years, annual cash losses, excluding interest and depreciation, have fallen only modestly, a little more than 3 percent a year. But modest progress is not a reason to eliminate the operational self-sufficiency provi-

sions. Failure to meet a goal is not reason to lower the bar sufficiently to redefine success. Rather, it simply means that more work must go toward meeting their original goal.

The Office of Inspector General went on to say:

The problem with the current model exists beyond funding. There are inadequate incentives for Amtrak to provide cost-effective service. Amtrak, as the sole provider of intercity passenger rail service, has few incentives, other than the threat of budget cuts or elimination, for cost control or delivery of service in a cost-effective way. Amtrak has not achieved significant cost savings since its last reauthorization.

That is what the Inspector General had to say in his report. The question I have is, given that we have so few incentives for cost controls, why would we eliminate one of the few provisions in law calling on Amtrak to control their costs? While passenger rail has a role in an efficient, modern transportation infrastructure, I am concerned about how Amtrak has performed in providing that service. As my colleagues may know, I am a strong proponent of results and outcomes. Amtrak and other government-funded entities should not be judged based on how much they receive in Federal funding but the results they can demonstrate with those taxpayer dollars or the fees they charge passengers who ride their trains. In the case of Amtrak, I am afraid these results are not very impressive. In the administration's PART assessment, their tool for evaluating the effectiveness of programs, Amtrak was rated as ineffective. In fact, it was the only program in the entire Department of Transportation to receive an "ineffective" rating.

I want to be clear on what this rating means. From the administration's description ineffective, programs receiving this rating are not using taxpayer dollars effectively or the fees they are charging the passengers to use their services. That seems pretty clear to me, and I hope Members of this body will agree with me on that fact. If Amtrak is not being effective with the money they spend, it would make sense to reduce the money we spend there. Instead, we are talking about increasing their subsidies and eliminating provisions calling on Amtrak to be more careful in how they spend tax dollars. Again, that makes no sense. Right now Amtrak's Federal subsidy is nearly equal to its total ticket revenue per year. To put it a different way, for every dollar spent on a ticket, the rail passenger receives another dollar from the taxpayers.

Given the subsidies on some routes, taxpayers would save money by actually paying passengers to take another mode of transportation such as flying. Calling on Amtrak to become operationally self-sufficient is not about being antirail. It is about being for taxpayers and for those riders who use that service to hold down their costs. It is for efficiency and for common sense.

Even if Amtrak were to become operationally self-sufficient, it would continue to receive sufficient Federal subsidies under my amendment. According to the U.S. Department of Transportation, Amtrak is by far the most heavily subsidized mode of travel in the United States, even though it carries less than 1 percent of the intercity passenger market. Amtrak costs \$210.31 per passenger, per thousand miles, compared to \$4.66 for intercity buses and \$6.18 for commercial airlines. Because motorists pay far more in Federal user fees than they get back in Federal transportation spending, the U.S. Department of Transportation estimates that the Federal Government earns a profit of \$1.79 per passenger, per thousand miles from automobiles.

This bill proposes to spend \$11.3 billion on Amtrak. It is entirely reasonable for Congress and the American taxpayer and their passengers to tell Amtrak that they should work to reduce those subsidies. If we are too timid to even tell Amtrak to reduce their need for operational subsidies—remember, this is operational subsidies, not capital investment—how can we expect that they will ever do it? Many of us are parents and have worked to raise our children to become independent, self-sufficient people. When my daughters graduated from college, my wife and I expected them to get jobs to support themselves. If we had simply paid their rent, bought their groceries, paid their utilities, and given them spending money without any conditions or expectations of independence, why would they want to work and make the tough choices necessary for change? It is the same with Amtrak. Unless we are clear that we expect them to change and become operationally independent of the Federal Government, things will never change.

It is critical that we keep this goal in place for Amtrak. They must hear loudly and clearly from Congress and from America that they need to make the tough choices necessary to get out on their own. My amendment will ensure they hear this message.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, would the Senator read his amendment again, please, for the edification of the Senate.

Mr. ALLARD. My amendment is actually very simple. I will ask the clerk to read the amendment, if she will.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

Strike subsection (a) section 219.

Mr. ALLARD. If I may address the Senator through the Chair.

Mr. BYRD. Yes, please.

Mr. ALLARD. The section I am repealing puts in some guidelines, and it is not date specific but it says that the

goal of Amtrak should be to become self-sufficient; in other words, work toward less subsidies from the Federal Government. For some reason or other that was taken out by the committee staff. It is appropriate we continue to keep that in law instead of repealing it. Since they are not driven by competitiveness within the fixed rail system, I encourage them to note that the Congress expects them to work for efficiency and to repeal it. I recall in Boston, for example, we had a situation where Amtrak runs through Boston and is part of their mass transit system. So a committee chair looked at a contract they let out for the Boston fixed rail. It was the most expensive contract, providing the least service to the passengers. This kind of provision is an incentive. It gives Members of Congress a way of expressing to Amtrak that we hope that they work for an efficient, effective system. I don't think it is particularly Draconian; at least I do not view it that way.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I have listened with interest to our colleague from Colorado. Since I have a son and two grandchildren who live in Colorado, they talk about how nice it would be for train service to run from Denver to Glenwood Springs and provide that kind of service. It would ease up the traffic on the highways in Colorado, Route 70, and others.

It would be nice if it was possible to reduce the subsidies, but the problem is, the world has proven in country after country that you cannot operate passenger rail service at a profit. You cannot carry the obligations that are required with a passenger rail system. My colleague will excuse me when I say this: It is kind of fallacious to even believe that it is possible. We tried it.

In 1997, our reauthorization bill said we should try to eliminate subsidies. We couldn't eliminate them. But I will tell my colleagues what did happen. Ridership has gone way up. That proves one thing; that is, that the railroads have to be there. We just had a vote on an amendment calling for the elimination of routes across the country which lost substantially. The fact is, the country desperately needs rail service. Our airlines are busy beyond capacity. Highways are busy beyond capacity. We are stuck in traffic all over. The railroad is finally beginning to find its way out.

What we have in our bill, for the edification of our friend from Colorado, is a goal to reduce operating subsidies by 40 percent in 6 years. That is a start.

I urge my colleague to let this take place. Let it happen. Let's see what goes on there. We have made all kinds of conditions of reform for the railroad, not ignoring the fact that there have been large subsidies but also recognizing that passenger rail service requires subsidy.

In the UK, for example, the Government decided to go private with its rail

system. They found out that things deteriorated rapidly. They weren't safe, and they weren't efficient. We are now beginning to see that Amtrak is attracting ridership as we have not seen it before, as 26 million people rode Amtrak last year. But so many burdens were placed on Amtrak: insufficient funding for capital in the first place, substantial outstanding indebtedness.

How did Amtrak get to be a national corporation? It got there in the early 1970s because the private sector couldn't handle it. There is no money to be made there, when you consider that freight railroads are making money and freight railroads often are an impediment to passenger rail service operating efficiently.

We are going through a review of what Amtrak ought to be. We know our equipment is not up to date. We know our trackage is not up to date. We know our signage is not up to date.

I had the opportunity to ride in the engine of a train from Paris to Brussels going to a NATO meeting. We cruised along at 300 kilometers, 180 miles an hour, and rode 200 miles in an hour and 20 minutes. It is that kind of service that could be offered if we could invest in bringing Amtrak up to date, and perhaps we could begin to see the results that would attract that kind of support.

Revenue increases have been taking place, so we are on a good track to make Amtrak more efficient, less costly, and more conscious of their operating expenses. But we have to be able to continue in that vein. If we said we demand there be a point in time when there are no more subsidies, we would not be being realistic. It can happen.

I hope if this comes to a vote, we will defeat it soundly. I think we have the votes to do that. I hope we can put this aside for now and give us a chance to go further on the debate and the review of the Amtrak bill as it is.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I wish to respond for a moment, if I might, to clarify. No. 1, I am a strong proponent of fixed rail. As chairman of the Housing and Transportation Subcommittee in Banking, I worked hard for mass transit and, obviously, fixed rail. So I agree that rail needs to be a vital part of our transportation system.

All this amendment does is put in law a goal we want self-sufficiency for—not capital investments. So as to the signage the Senator talks about, the rails on the ground that need to be laid, buying the new transportation, it does not apply to that. It applies to operational costs. It is not a hard line. We have been going for several years without meeting this goal.

I think we have done some work in that direction, but as far as I am concerned, the amount of efficiency has been pretty minimal. I think we can do more. Even if it is minimal, at least we can keep it in there so it continues to

encourage them to be more efficient and review processes and procedures they use in the operation of Amtrak. That is not capital investment. That is operational, things they can do to bring efficiency to their services, which I think is to the advantage of the rider, as well as to the taxpayers of this country.

I wanted to clarify that for the Senator from New Jersey.

Thank you, Madam 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.

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

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

Mr. BARRASSO. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

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

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2229 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### INTERNET TAX MORATORIUM

Mr. WYDEN. Mr. President, a large number of Senators of both parties are working in good faith to try to address this question of the Internet tax moratorium. I simply want to take a few minutes this afternoon to bring to light a new development in the discussion that I hope all Senators will keep in mind.

The Congressional Research Service—our independent group that analyzes policy matters—informed me this morning that because the other body, the House of Representatives, changed the definitions in the current Internet tax moratorium, it would be possible, under the language that was adopted by the other body, to tax various Web services, such as e-mail. I know no Member of the Senate who wishes to see that happen.

Mr. President, I ask unanimous consent at this time to have printed in the RECORD the memorandum the lawyers at the Congressional Research Service

sent me about the Internet tax moratorium.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,  
Washington, DC, October 24, 2007.  
MEMORANDUM

To: The Honorable Ron Wyden, Attention: Joshua Sheinkman.  
From: John R. Luckey, Legislative Attorney, American Law Division.  
Subject: Internet Tax Moratorium.

This memorandum is furnished in response to your request for an analysis of whether the definition of "internet access" in the Internet Tax Freedom Act Amendments (H.R. 3678) as passed by the House is more restrictive (would permit more activities to be taxed by the states) than that of the Internet Tax Moratorium which is set to expire on November 1, 2007.

The expiring moratorium defines "Internet access" to mean:

a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.

Exemption is provided for voice services over the Internet.

H.R. 3678 would define "Internet access" as follows:

The term "Internet Access"—

(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold (i) to provide such service; or (ii) to otherwise enable users to access content, information or other services offered over the Internet;

(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).

The language of H.R. 3678 would be more restrictive in at least two ways. First, the "enables users to connect" language of paragraph (A) would limit the moratorium to taxes upon the connection provider and services they provide under (B) and (C). Thus, if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

Second, the exemption of paragraph (D) would allow the taxation of many more products and services than the existing exemption under the current §1108.

We hope this information is responsive to your request. If you have further questions, please call.

Mr. WYDEN. Mr. President, in reference to the language that came from the other body, which I am concerned about, the Congressional Research Service said:

. . . if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

What that means is, if you are an American, for example, who gets your Internet access from Verizon, under the House language that would continue to be protected. But if you get your e-mail from, say, another provider—perhaps EarthLink or Google or Yahoo—under the language that was passed by the other body, that could be taxed, according to the Congressional Research Service. I do not think any Member of this body wants that to happen.

Also, reading further from the Congressional Research Service memorandum, they say it would also allow the taxation "of many more products and services than the existing exemption under the current moratorium."

The reason I wanted to bring this to light this afternoon is I know various proposals will be voted on next week. I will not be able to be here next week because of some very exciting news in our household, but I do want all Senators to be aware of what the Congressional Research Service has said. We have had the Internet tax moratorium now for a decade. I wrote the original law with now-SEC Chairman Christopher Cox, and it has worked well. The Internet has thrived and prospered. It is, of course, a technology treasure trove that we use for business, health opportunities, education, and a vast array of services.

We were told when the original proposal came out that it would, for example, be harmful to States, that they would lose revenue. That hasn't been the case. The States have gained in revenue for something like 16 straight quarters.

We heard it would be harmful to Main Street, to small businesses. That hasn't been the case either. In fact, most small businesses now look to something called "Bricks and Clicks" where they have a physical presence and an Internet presence.

We were also told it would be harmful to malls, as if our original proposal would empty the malls. That hasn't happened either. The moratorium has worked well, and I wish to make it permanent.

Frankly, the thing I am most concerned about this afternoon is the change in these definitions. The change in the definitions from the original moratorium, as outlined in this memo by the Congressional Research Service, ought to trouble every Senator as this

body considers the various alternatives that will be presented this upcoming week. I think the current definitions have served us well. They have allowed the net to thrive and prosper and they haven't caused damage to the States or to small businesses on Main Street or to the shopping malls. I see no reason for changing those current definitions.

I hope Senators will reflect on this language. Certainly it is going to be hard to explain to folks at home making changes that would open up the prospect, as the Congressional Research Service has said, for taxing e-mail. But an awful lot of Americans get their Internet access from one provider and they get their e-mail from somebody else. Given that, I wanted to make sure the Senate was aware of this, and that as the Senate considers this legislation, the issue of whether the moratorium should be made permanent is important, but even more important is getting this question of the definitions of what is covered in the moratorium right, because I don't believe any Senator wants to see happen what the Congressional Research Service has indicated this morning could happen under the bill that was passed by the other body.

Mr. President, I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, we need to invest in America's infrastructure. Today, America invests only three-tenths of 1 percent of our gross domestic product in public buildings and roads and bridges, ports and railroads. This abysmal figure is the lowest rate in the recent history of public investments dating back to at least the 1960s, and maybe before that. In Minnesota earlier this year, we saw some of the tragic consequences of the failure to invest in America.

I am glad to see the Sununu amendment was not agreed to. That amendment would have put a cap on our subsidies that Amtrak can utilize on its routes. In truth, however, such an amendment would put an end to all of Amtrak's long-distance trains within 5 years. By eliminating all of these essential rail services, the amendment would also lead to the slow but certain death of America's regional service as well.

The Nation receives extraordinary public benefits from mass transportation systems. They take thousands of cars off of our congested highways. They take tons of pollutants out of the air we breathe. They move people more efficiently into and out of our most congested areas. Such an amendment

and the veto threat issued by the White House both are based on wrong assumptions—that we should be taking management flexibility and financial resources away from Amtrak. We should be doing exactly the opposite. We need to invest in Amtrak, just as we need to invest in our bridges, buildings, ports, and other transit systems.

Amtrak operates approximately 90 trains daily in Maryland, mostly on the Amtrak-owned Northeast corridor, through Baltimore, Penn Station, and New Carrollton. In addition to the Northeast corridor service, including the Acela Express, Regional, and Metroliner trains, Amtrak operates five long-distance trains through Maryland, as well as two regional trains. More than 1.7 million passengers board and disembark in Maryland's Amtrak stations every year. Those numbers are increasing. Amtrak's fiscal 2007 ridership topped 25.8 million. That is the fifth year in a row that Amtrak has seen a growth in passenger service.

So our constituents want this service. They need this service. It is in our national interest to promote a more efficient passenger rail system. It also set a record for the highest ridership that Amtrak has seen since the National Railroad Passenger Corporation was enacted in 1971.

Amtrak employs more than 2,500 Marylanders, brings good jobs that range from corporate executives and accountants to trainmen and the men and women who operate and maintain the tracks. Amtrak operates weekday MARC commuter rail service on the Northeast corridor, including Washington, Baltimore, and Perryville, under a contract with the Maryland Transit Administration. It has a shared capital agreement with the State. Both Amtrak and the State of Maryland invest jointly in the improvements. The joint benefit program included the investment of \$28 million by the State in 2006.

Amtrak is part of the infrastructure backbone of Maryland. It carries millions of passengers, employs thousands of workers, and benefits all of us, both economically and environmentally. Let me underscore that.

Transit service is important for quality of life, so people can get from one place to another. It is certainly a lot easier if you are trying to get from Baltimore to New York to get on a train. It takes you right to downtown New York. You don't have to worry about going through the security of an airport. It is easier for people to use the rail service. But you are also helping our environment. It is a friendlier way for our energy and dealing with the environmental risks of transportation today to our environment. I was at a hearing yesterday regarding global climate change. Rail service will help us in dealing with the challenges of our environment. So it is in our environmental interest.

It is also in our economic interest. It helps us to become more energy effi-

cient. We import too much oil. We are dependent upon countries with policies with which we disagree. Amtrak is part of the solution by improving rail service in this country. So we will be helping the security of America, the economy of America, and certainly the environmental issues as well.

Mr. President, we need to rethink our approach to America's critical infrastructure. We need to reinvest in Amtrak. It is an investment in America that is long overdue. I urge my colleagues to support the legislation.

I thank the leadership in the Senate for bringing this issue forward. It will have my support.

With that, I yield the floor.

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

Mr. MENENDEZ. Mr. President, I rise in strong support of the Passenger Rail Improvement and Investment Act of 2007. I thank my distinguished senior colleague from New Jersey, Senator LAUTENBERG, who, not only in this legislation but for some time, has been probably Amtrak's strongest advocate. Beyond being an advocate for Amtrak, which certainly is worthy of it, it is the advocacy over the course of the years of millions of riders who depend upon Amtrak to send their sales force to work, to promote their products along Amtrak's routes; those Americans who use Amtrak to get to some of the Nation's leading hospitals and research centers to try to be cured; those individuals who come to visit, for example, the Nation's Capital and do so through Amtrak and the tourism that is spread throughout that process; those who do financial transactions in commerce and lawyers—a whole host and universe of America's economy and people who use Amtrak to ultimately achieve the Nation's economic well-being. Senator LAUTENBERG has been at the forefront of that. I thank him and Senator LOTT for their efforts in guiding this important legislation to the floor.

Every year since 2002, Amtrak has had to continue operations on a yearly basis without adequate funds to maintain the rail system over the long term. It is almost like a starvation diet—keeping it up just enough to be temporarily alive but working it in such a way and cutting its funds in such a way that it can neither be successful nor fully survive. Right now, the system is at a breaking point. Amtrak's equipment is aging, and no amount of maintenance can keep cars built in the 1950s on the tracks.

Amtrak is not just a passenger rail system that serves 25 million people each year; Amtrak is also a program that reduces our greenhouse gas emissions, reduces congestion on our roadways, fights sprawl, creates jobs, and it fosters economic activity. I know firsthand the benefits of Amtrak because over 100,000 New Jersey commuters depend on Amtrak's infrastructure every day. There are many other commuter

rail systems in States that depend upon Amtrak's infrastructure as well to move very large amounts of their State's residents over the Amtrak lines.

Some critics want Amtrak to be the only major transportation system in the world that operates without Government subsidy. This standard is simply impossible to meet and a standard to which we do not hold any other mode of transportation. Over the past 35 years, we have spent less money on Amtrak than we will on highways in this year alone. So over the last three and a half decades, we have spent less money on Amtrak than we will spend on highways just in this year alone. When you factor in State and local subsidies for infrastructure and parking, some studies suggest that up to 8 percent of our gross national product is spent on subsidies for automobile use.

We have never committed the same support behind Amtrak as we have for other modes of transportation. This bill will finally give Amtrak a stable amount of authorized funds it needs over the next 6 years to adequately fund its operation and finance capital improvements.

At the same time, these funds aren't free. To get these funds, Amtrak will be forced to tighten its belt, while simultaneously improving service. The bill reduces Amtrak's annual appropriations need by requiring reforms that will reduce Amtrak's operating costs by 40 percent over the life of the bill.

In addition, the bill provides for \$1.4 billion for States to provide new passenger rail service between cities. In some instances, these State operations will likely provide service that complements existing Amtrak service just as the recent light rail projects we have seen in New Jersey have done. In other cases, these funds may actually create competition for Amtrak for service between some cities.

The bill will also require Amtrak to use a new financial accounting system so that regulators and legislators can better monitor how Amtrak uses its resources. This bill would also require Amtrak to use its resources to provide a new level of service by improving ontime performance, upgrading onboard services, and providing easier access to other transportation systems.

Finally, the bill will also require a systemwide security review to ensure that rail remains a safe transportation alternative. With record-high gasoline prices, congested highways, and airports that are experiencing record delays, we need all the alternative forms of transportation we can provide to a frustrated American traveler.

Mr. President, as someone who represents a State that saw the consequences of what happened on September 11, 2001, that fateful day, since then we have come to fully appreciate the importance of multiple modes of transportation in a security context.

We have always talked about transportation in the context of getting peo-

ple to work and jobs and economic opportunity. We have talked about sending sales forces of small and midsize businesses, using rail services to go to different cities, for intercity travel, so they can promote their products and services. We have talked about people who might get on a rail line to go to Johns Hopkins University Hospital or some of the great hospitals in New Jersey, such as Robert Wood Johnson or Hackensack University Medical Center, or the great hospitals in New York, to name one of the many route lines that give people access to such opportunities. We have talked about tourism and people being able to take Amtrak to go to different parts of the country to see the greatness of America. That has always been the focus we have had as it relates to rail passenger service or, for that fact, really transportation modes in general. But on September 11, and therefrom, we learned that multiple modes of transportation are critical to the Nation's security and well-being.

On that fateful day, when we had the attacks in New York and the plane that crashed in Pennsylvania and the incident that took place in Washington at the Pentagon—on that fateful day, when in the metropolitan region where there are millions of Americans living, where the tunnels were closed down, where the bridges were closed down, where the subway systems were closed down, it was a different mode of transportation that got people out of downtown Manhattan from the World Trade Center site and to hospitals to be triaged in my State of New Jersey. That particular mode of transportation happened to be ferries. The only way to get into intercity travel, when all of the airlines were shut down for that period of time, was Amtrak.

So we have learned a lesson that this is beyond economics. We have learned a lesson that this is beyond tourism and this is beyond getting people to great centers of research and medicine to be cured; it is also about security. If we do away with Amtrak, we do away with the ability to have another mode of transportation that is critical to our security blanket. We have to think about Amtrak in that way as well.

Finally, there are small communities in rural America in which the only entity that stops at their doorstep is Amtrak—the only entity that stops at their doorstep. Imagine being cut off from the rest of America, other than through a car, because no entity serves the opportunity to make your community the destination. Amtrak, as part of a national rail system, creates opportunities for many parts of America to finally realize that they, too, will have access to the rest of the country.

Mr. President, for all of these reasons, I urge my colleagues to recognize that a strong, well-funded Amtrak is an essential resource for our country in all of these dimensions. I urge my colleagues to give us a strong vote for the Passenger Rail Improvement and In-

vestment Act of 2007 and make sure that we reject amendments that would seek to undermine this critical asset for our economy, for our environment, for our health care and, yes, in a post-September 11 world, for our security. Let's make sure we send a strong message from the Senate that we will take second place to no one in the world in terms of having a strong passenger rail system and will unite our country by giving that opportunity for Amtrak to travel across the landscape of America and be able to meet all of these challenges.

With that, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3456

Mr. SUNUNU. Mr. President, I ask for the regular order regarding my amendment No. 3456.

The ACTING PRESIDENT pro tempore. That amendment is pending.

AMENDMENT NO. 3456, AS MODIFIED

Mr. SUNUNU. Mr. President, I send a modification of my amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

On page 35, strike line 20 and all that follows through "(A)" on line 23 and insert the following:

"(b)" IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 36, strike lines 6 through 11.

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

Mr. SUNUNU. Mr. President, have I been recognized?

The ACTING PRESIDENT pro tempore. Yes.

Mr. SUNUNU. Mr. President, I submitted to the desk a small technical modification of the amendment I offered that would strike the prohibition on allowing multiple routes to be competitively bid under the Amtrak system. In the legislation, there is competitive bidding allowed but for only two routes. I don't think we need to have such an arbitrary restriction. The technical modification makes sure the right portions of the bill, the right lines of the bill are referenced in the amendment. It is not a substantive change.

AMENDMENT NO. 3452

Mr. President, I also wish to address my amendment that deals with Internet taxes. I offered this amendment last night, and I offered it on this legislation because we have been unable to get a vote anywhere in the Senate on Internet tax moratorium.

What an Internet tax moratorium does is prevents States, cities, and towns from placing taxes on the cost of Internet access, whether it is for consumers, small businesses, large businesses—it doesn't matter. The Internet is a national and global system for communications. It is a national system for commerce and for business, and it should be protected from multiple taxation, from local taxation for a number of reasons.

First, it is interstate commerce and, frankly, if there are going to be taxes levied, that interstate commerce and interstate communication should be the responsibility of Congress.

Second, because those taxes would only discourage broadband deployment, it would raise costs for consumers and certainly have an impact on businesses that rely on Internet access as part of doing business.

We were supposed to have a markup in the Commerce Committee. The bill was pulled from the markup. This is not something that just came up. We implemented a ban on Internet taxes in 1998 that lasted for 5 years. We extended it in 2003 for another 4 years. This is something that has received bipartisan support in the House and the Senate. Over 240 Members of the House of Representatives, Democrats and Republicans, support making this ban on Internet access taxes permanent.

Given that we have seen no action and that the prohibition expires on November 1, less than a week from today, I am sure a lot of people across the country are wondering why is Congress so dysfunctional. Why has Congress not acted on something that has such broad bipartisan support that is going to expire in less than a week?

I cannot answer that question, but I can try to do something about it, and that is why I offered an amendment to this bill that would make that ban on Internet access taxes permanent. The way it does that is by taking legislation that passed the House by a very strong bipartisan vote, 405 to 2, and making that 4-year proposal a permanent proposal. We take the same approach to technical definitions, the same approach to grandfathering that existed for some States that taxed the Internet in the past, and simply make that legislation permanent.

There is also a second-degree amendment that was offered to my amendment—an amendment to my amendment—that would say we should not make this ban permanent; we should only make it 4 years. I think that is a mistake. Given that we have already extended the ban on Internet access twice, given that it has bipartisan support, given that we have been able to see how this law works and has worked effectively over the last 9 years, I don't think we need to keep passing short-term extensions. And, frankly, short-term extensions, whether they are 1 year, 2 years, or 4 years, is something the American public looks at, and it is baffling why we cannot find it within

ourselves the discipline, the will—whatever it takes—to make a good idea the permanent law of the land. It is high time we do that when it comes to banning Internet access taxes.

Senator WYDEN spoke earlier about this issue and suggested that the technical language in the bill passed by the other body was not perfect. That should come as a surprise to no one. There is no such thing as absolutely perfect legislation. But it was certainly good enough to get all but two Members of 435, all but two Members to vote for the legislation. It was certainly good enough to offer the same language as an amendment to my bill.

To suggest that this language is fatally flawed is very much mistaken. But even if it were an issue that needed to be addressed, it will have to be addressed whether we pass a 4-year extension or a permanent extension. So to use that as an excuse to oppose making the Internet tax ban permanent, I think, is a mistake. It simply is wrong.

I would like to see the clearest possible language when it comes to service providers that are providing different kinds of Internet services but might not be providing Internet access as well. I even had an amendment ready to offer in committee to improve this language. As I indicated, Mr. President, we didn't have any amendments in committee because we didn't have any votes in committee because we didn't have any bill offered before the committee for a markup.

So that is where we find ourselves. We have a proposal in front of us in the way of an amendment to make permanent the ban on Internet access taxes using language that has been supported in a very strong bipartisan way in the House of Representatives, and we have an amendment to my proposal that would say: No, let's not make it permanent; let's do another short-term extension.

We have filed a cloture petition to bring debate on this particular issue to a close. That vote will happen tomorrow. And if cloture is invoked, we will have a vote on both amendments.

I have no problem voting on alternatives. And I have said this in different situations on different legislation in the past. What is most frustrating, as a Member of the Senate, is when there are procedural maneuverings used to prevent us from offering an amendment, having a vote on any given alternative. I do not mind voting on bills or legislation that I don't support. If you don't support something, you vote no and explain to people why you don't support it.

So we have both of these amendments before us, a cloture vote that will occur to bring debate to a close, and have the votes. And I certainly hope we vote cloture so we can have the votes and move forward on this very important issue.

I thank the Chair, and I yield the floor.

Mr. CARPER. Will the Senator yield?

Mr. SUNUNU. I yield to the Senator.

Mr. CARPER. I would invite the Senator from New Hampshire to engage in a brief colloquy. I have been listening to his comments. I think we have a couple of options, and there may be a better path for it than the one we are assuming today. We are talking about an amendment that the Senator had offered to the Amtrak bill, bringing the Internet tax issues to the reauthorization of Amtrak, and others of us would offer a second-degree amendment to that. There will be a cloture vote that will proceed either of those two amendments.

I think there is another alternative that I would ask my friend to consider, and that would be the chance—I think all along the Senator from New Hampshire has wanted an up-or-down vote on his proposal, which is fair game. I think our own leadership, and I think in consultation with your leadership, including with Senator LOTT, has suggested maybe one day next week we have an up-or-down vote—your proposal and the alternative of our proposal that Senator ALEXANDER and I and others would offer, which would provide for a 6-year extension for a moratorium on Internet taxation. For another 6 years we would provide for a 6-year extension of the grandfather—

Mr. SUNUNU. Mr. President, reclaiming my time, and I am happy to view the statement that was made in the form of a question so I can respond. That is what we will have if we invoke cloture tomorrow. We will have a vote on a 4-year extension and a vote on making the ban permanent. We can certainly have further discussions about the procedures and proposals off the Senate floor rather than negotiate a process or a procedure in a colloquy format, but I am sure the Senator from Delaware can appreciate the frustration that has put us in this position, given that no bill was offered in committee, no bill was offered in the Finance Committee, and in fact the legislation was pulled.

So I am pleased we are in a position now where tomorrow we will have exactly what the Senator from Delaware prescribes, and if there are other alternatives or proposals, I am certainly happy to listen to them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator SUNUNU is still on the floor, if I could add one other comment. Senator LOTT said at the beginning of the debate on this bill that folks are welcome, Democrats and Republicans, to come and offer their amendments, nongermane, if they are. But when we get to conference, he said: I will warn you right from the get-go, nongermane amendments that are offered to this bill might be attached to this bill when we get to conference, but they will not be in this bill when we come out.

So I would suggest to Senator SUNUNU that we consider the approach

I just outlined; that next week, maybe in the middle of next week, he would have the opportunity, with time for debate, to offer his proposal to make permanent the moratorium on taxing Internet access, and we would have the opportunity to offer an alternative, which would be a 6-year extension of the moratorium.

I will tell you why we think it is important. Five years ago, I never heard of VOIT, voice over Internet protocol. I had no idea what it was. I don't think anybody around here did. That is the ability to send telecommunications, telephone messages, over the Internet. It is a major change in the way we communicate on the telephone. The problem with making permanent this legislation is we assume there are not going to be any more technological changes. We are learning how to send cable TV, movies, and all kinds of stuff over the Internet. Traditionally, State and local governments have had the right to raise revenues as they see fit. In fact, we have an unfunded mandates law that says State and local governments have protection from us in Congress telling them how to spend their money or telling them how to raise their money. We passed a law that says we can't do that. I was Governor, actually, in 1995. I was Governor when we pushed for that sort of protection. Who are we in the Federal Government to tell States how they have to spend their money or how they can raise it? That is what was adopted in the unfunded mandates legislation in 1995.

We turned around in Congress 3 years later and said: By the way, we don't want folks to tax access to the Internet, and if you are already doing that in the United States, we are going to grandfather you in for a while, but we put in place, starting in 1998, this 3-year moratorium on other States beginning to tax access to the Internet—really trying to tax people's AOL bills.

The concern as we go forward, as we learn to do other things over the Internet other than sending e-mails and instant messaging and stuff, if we allow the bundling of services, including telephone services, including cable services, television services, the sort of thing that State and local governments have traditionally used to pay for education, pay for schools, pay for fire, pay for police, or pay for paramedics, if we aren't careful, we are going to basically preclude or reduce their ability to raise the revenue they need for the problems in their States.

So we are not smart enough—I am not smart enough, and I don't think any of us here are smart enough—to know for certainty what the technology is going to be in 5 years, 4 years, or 10 years. That is why we want the extension of the moratorium, to make sure people's access to the Internet is not going to be taxed, but what we don't want to do is to do something permanently because of the changing nature of technology.

So I think it makes sense next week for us to have the opportunity for Sen-

ator SUNUNU to come to the floor, offer his permanent moratorium amendment, and have the same opportunity for Senator ALEXANDER and myself, and Senator DORGAN, Senator FEINSTEIN, Senator ROCKEFELLER, Senator ENZI, and Senator VOINOVICH, and others who believe that a 6-year moratorium may be the better alternative for now. I hope we will have that opportunity.

With that, I yield the floor.

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

Mr. SUNUNU. Mr. President, I appreciate the interest of the Senator from Delaware in the issue, and I want to take the opportunity to respond to a couple of issues.

First, on the substantive issues: The Congress—the Federal Government—tells the States what they can or can't do on taxes all the time; not in every area, to be sure, and we shouldn't in every area. And if this permanent ban on Internet taxes passes, Internet-related businesses will still pay property taxes, payroll taxes, and business income taxes, but the network itself, access to the global network itself, will not be subject to taxes.

This is not that dissimilar from the fact that we prevent States from levying their own export taxes because it affects international trade and global commerce, and even interstate commerce. We don't allow States to arbitrarily tax flights from their State to other States or across the country for the same reason—because we view that as interstate commerce and an interstate transportation system. We even have restrictions on States' ability to impose tolls on interstate highways, all for the same reason.

So to suggest that we should never tell States how to handle matters of taxation is incorrect. We do it all the time. And we should do it on matters of interstate commerce, which is the responsibility—the constitutional responsibility—of the Congress.

Second, back to the issue of technology changing. Well, of course, technology changes things. And we may and do have to modify legislation from time to time with regard to evolving technology. Regulations or laws affecting the Federal Communications Commission—the FCC—laws regarding regulations of video, phone, Internet protocol services, we want to make sure they keep pace. But that doesn't mean every law we pass in these areas should be temporary, especially in matters of taxation, because the way we tax goods and services affects our entire economy.

Anyone who has worked in the area of technology is familiar with the R&D tax credit. The Congress continually passes 1- and 2-year extensions of the research and development tax credit, even though it passes almost unanimously in both Chambers every time. The American public looks at that and they wonder if our goal is to just make

a little bit of extra work for lobbyists. It is wrong to deal with our Tax Code on such a short-term basis, whether it is the research and development tax credit or Internet access taxes.

Finally, a couple of points about process. How easy it is to stand up on the Senate floor and say: Well, let's do the collegial thing and just take care of this next week. We had the Internet tax moratorium on the floor a few years ago. It made the moratorium permanent. The opponents of making the Internet moratorium permanent said: We are not quite ready. Could we take care of this next week or maybe the week after? And in good faith that bill was taken from the floor. Then the opponents of making the ban permanent prevented us from bringing the bill to the floor for another 9 months. Maybe it was even longer.

So it is easy to come and say we should take care of this next week, but the fact is that next week the moratorium expires. On November 1, the moratorium expires. Why can't we take care of it this week, with the votes that are currently pending, currently before us—not just for my amendment but for an alternative, an amendment to my proposal? I think that is more than fair.

Again, I will be happy to talk about alternatives. And since we were first scheduled to have a debate and markup on this legislation in the Commerce Committee, no one has come to me and proposed specific alternatives other than the amendment that has been offered to my proposal. And just now Senator CARPER said: Well, maybe not 4 years, maybe 6 years. And I know he means that in good faith, but there are other leaders, on the Commerce Committee and others, who have an important role to play that will also have to be part of those discussions, and none of them have approached me directly with an alternative.

So I hope we can resolve this. I hope my colleagues will support making the Internet tax moratorium permanent and support me in voting for cloture tomorrow morning so we can have those votes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### GLOBAL WARMING

Ms. KLOBUCHAR. Mr. President, I come to the floor today to talk about the scientific truth. Once again, the administration has kept all the facts from getting to the American people. On Tuesday, the Director of the Centers for Disease Control and Prevention, Dr. Julie Gerberding, testified before the Environment and Public Works Committee on the health impacts of global warming. The purpose of this hearing was to get all the facts

about the health threats global warming poses to our communities and our families. I thank Senator BOXER for her leadership of that committee, for her leadership on climate change. I am proud to be a member of the Environment and Public Works Committee, and we are doing some very good work in the climate change area. We actually have some legislation that we are considering in the next few weeks that I believe is good legislation. I don't believe we can wait to act.

I went to Greenland this summer and saw firsthand the water coming off these humongous glaciers like spigots. They have lost the size of Greenland and Arizona combined off the Greenland ice sheet. It is the canary in the coal mine for climate change.

There was a hearing this week. Unfortunately, the Director's initial testimony was not the testimony that was presented to the committee because her initial testimony did present the facts. As the Centers for Disease Control Director, she appears if you look at her initial testimony, to have taken seriously the mission of Centers for Disease Control which pledges to:

... base all public health decisions on the highest quality scientific data, openly and objectively derived.

But the testimony she gave at the committee fell short of that pledge because, as has been reported in the press, the administration eliminated much of Dr. Gerberding's draft testimony which highlighted the threats to public health posed by global warming.

It is only the latest incident in what has been a pattern of this administration in attempting to suppress science. Specifically, this administration deleted her testimony on the views of the Centers for Disease Control on several health impacts of global warming, including explanations and descriptions of the links to heat stroke, weather disasters, worsening air pollution and allergies, food- and water-borne infectious diseases, mosquito- and tick-borne infectious diseases, food and water scarcity, mental health problems, and even chronic disease.

The Centers for Disease Control is an important agency that the American people trust to protect their health and safety and provide reliable health information. Let me reiterate one of the central tenets of the mission of the Centers for Disease Control, to:

... base all public health decisions on the highest quality scientific data, openly and objectively derived.

Dr. Gerberding's original testimony included the following statement:

The United States is expected to see an increase in the severity, duration and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure from excessive heat.

The President's spokesman claims they edited the testimony because:

there were broad characterizations about climate change science that didn't align

with the U.N. Intergovernmental Panel on Climate Change Report.

What did the Intergovernmental Panel on Climate Change Report state about the prospects of heat waves? It is important to remember that the IPCC is a very cautious group of scientists with a very conservative process for meticulously reviewing their conclusions through consensus. Their reports are produced by some 600 authors from 40 countries. Over 620 expert reviewers and a large number of Government reviewers also participated.

The IPCC stated:

Severe heat waves will intensify in magnitude and duration over the portions of the U.S. where they already occur . . . and:

Local factors, such as the proportion of elderly people, are important in determining the underlying temperature-mortality relationship in a population.

I ask you, how does this align? How does eliminating this from the Nation's leading public health official's testimony benefit Americans?

Let me cite another example that was deleted from her testimony. Dr. Gerberding's original testimony stated:

The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution and duration.

So as the wildfires rage out West, the President, his administration, is censoring testimony in the East.

Global warming does not cause these fires, but they certainly intensify the three main causes of wildfires: high temperature, summer dryness, and long-term drought. Southern California has experienced all three and is now suffering the consequences.

Again, we go back to what the President's spokesperson said yesterday when asked about this. She said they had to look at that testimony and make sure it was consistent with what the IPCC had said. In fact, that was the reason she gave for why they had censored it. Let's see what the IPCC said about forest fires. They, the IPCC, in their fourth assessment report, found that:

... warm spells and heat waves will very likely increase the danger of wildfire.

That is what they said, the IPCC, that it would increase the danger of wildfire.

Then you have the head health official for our Government, the Centers for Disease Control, in her original testimony, saying it would increase the danger of forest fires. Pretty similar.

As these fires are raging in southern California and as we are seeing all across the country record high temperatures, record summer dryness, and long-term drought, the administration chose to redact, to delete portions of the testimony of their Director of Disease Control, which in fact predicted this would happen. We have not just seen large forest fires in California this year. We saw them in northern Minnesota. I was there shortly after these fires in the Ham Lake area in northern Minnesota devastated areas, burned down homes, and went way up to Canada. I was meeting up there with resort owners, with residents, and we were talking about the disaster relief, we were talking about when they are going to get their phone lines, we were talking about the effects on their business up there. Do you know what some of them wanted to talk about in the midst of all this disaster and burned trees? They wanted to talk about climate change because they had seen what was happening. There was a 30-percent reduction in profits at the ski resorts; forest fires raging—they knew something was wrong. Yet the administration is deleting the scientific prediction that is saying that exactly this will happen.

This is not the time for this administration to be censoring information. It is the time, instead, to look seriously at the health and other impacts of global warming and to take the steps we need to address them. I am proud to be part of a committee, under the leadership of Senator BOXER, that is no longer talking about whether climate change exists but talking about how to solve it.

We will continue to investigate the reasons this was deleted. We will continue to request information and get to the truth. But the main thing I would like to say today to my colleagues is that the American people know that something is wrong. They want us to solve it. You can't hide the facts anymore. You can't bury them as forest fires are raging and sea levels are rising and temperatures are rising. You can't bury the facts. You have to get to the solution.

Mr. CARDIN. Mr. President, 2 days ago the Environment and Public Works Committee held a hearing on the Health Impacts of Global Warming. Our lead witness was Dr. Julie L. Gerberding, the Director of the Centers for Disease Control and Prevention and the Administrator for the Agency for Toxic Substances and Disease Registry within the Department of Health and Human Services.

Dr. Gerberding was invited to testify by Chairman BOXER because the Director is a highly respected leader in the public health arena. The committee wanted to have the benefit of her expertise as we grapple with one of the most important issues of our time, global climate change.

As everyone now knows, Dr. Gerberding's written testimony for the hearing was severely edited, with whole pages deleted. The White House says that some of her written comments did not represent the consensus view of the scientific community.

The very first line that the White House censored in Dr. Gerberding's testimony was this: "Scientific evidence supports the view that the earth's climate is changing."

If that statement doesn't represent the overwhelming sentiment of the

world's scientific community, I don't know what does. I find it astounding that this simple, sober statement of scientific fact would be censored.

These continuing efforts to silence the scientific community would be laughable if the stakes weren't so high. In the censored portions of her testimony, Dr. Gerberding lists them for us: direct effects of heat; health effects related to extreme weather events; air pollution-related health effects; allergic diseases; water- and food-borne infectious diseases; vector-borne and zoonotic diseases; food and water scarcity, at least for some populations; mental health problems; and long-term impacts of chronic diseases and other health effects.

Mr. President, I found Dr. Gerberding's oral testimony to be excellent. She answered my questions directly and without qualifications. Her responses to the other Senators on the panel appeared to be equally candid.

Oral testimony is always limited by time, and committees rely heavily on the written comments of witnesses to provide a more complete perspective. Because of votes on the Senate floor on Tuesday morning, we were especially constrained for time.

I regret that we did not have the benefit of Dr. Gerberding's full statement prior to the hearing. Certainly, they would have added a more complete picture of the human health impacts associated with global warming than she was able to convey in the highly censored version that was transmitted to the committee.

The American people and the U.S. Senate have a right to know what our top health officials have to say on this critical issue. Today I will be submitting to the RECORD a full copy of the testimony that Dr. Gerberding had intended to offer. Her views are critical to this debate.

Science shouldn't be silenced. And today we will make sure Dr. Gerberding's words are heard.

I ask unanimous consent that the full text of her draft testimony be printed into today's RECORD. The American people can read for themselves what the Director of the Centers for Disease Control and Prevention had to say before the White House censors tried to silence her.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CLIMATE CHANGE AND PUBLIC HEALTH

##### INTRODUCTION

Good morning Madam Chairwoman, Senator Inhofe, and other distinguished members of the Committee. It is a pleasure to appear before you as Director of the Centers for Disease Control and Prevention (CDC), the Nation's leading public health protection agency located within the Department of Health and Human Services. Thank you for the opportunity to present testimony on climate change and human health and to highlight the role of CDC in preparing for and responding to the health effects of climate change.

##### BACKGROUND

The health of all individuals is influenced by the health of people, animals, and the en-

vironment around us. Many trends within this larger, interdependent ecologic system influence public health on a global scale, including climate change. The public health response to such trends requires a holistic understanding of disease and the various external factors influencing public health. It is within this larger context where the greatest challenges and opportunities for protecting and promoting public health occur.

Scientific evidence supports the view that the earth's climate is changing. A broad array of organizations (federal, state, local, multilateral, faith-based, private and non-governmental) is working to address climate change. Despite this extensive activity, the public health effects of climate change remain largely unaddressed. CDC considers climate change a serious public health concern.

##### CLIMATE CHANGE IS A PUBLIC HEALTH CONCERN

In the United States, climate change is likely to have a significant impact on health, through links with the following outcomes: Direct effects of heat, health effects related to extreme weather events, air pollution-related health effects, allergic diseases, water- and food-borne infectious diseases, vector-borne and zoonotic diseases, food and water scarcity, at least for some populations, mental health problems, and long-term impacts of chronic diseases and other health effects.

The United States is a developed country with a variety of climates. Because of its well developed health infrastructure, and the greater involvement of government and non-governmental agencies in disaster planning and response, the health effects from climate change are expected to be less significant than in the developing world. Nevertheless, many Americans will likely experience difficult challenges. Catastrophic weather events such as heat waves and hurricanes are expected to become more frequent, severe, and costly; the U.S. population is anticipated to continue to age and move to vulnerable locations such as coastal areas, increasing exposures to specific risks; and concurrent challenges such as water scarcity in certain regions could limit our resilience. In addition, climate change is likely to alter the current geographic distribution of some vector-borne and zoonotic diseases; some may become more frequent, widespread, and outbreaks could last longer, while others could be reduced in incidence.

##### Heat stress and direct thermal injury

One of the most likely climate change projections is an increase in frequency of hot days, hot nights, and heat waves. The United States is expected to see an increase in the severity, duration, and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure to excessive heat. Midwestern and northeastern cities are at greatest risk, as heat-related illness and death appear to be related to exposure to temperatures much hotter than those to which the population is accustomed.

##### Extreme weather events

Climate change is anticipated to alter the frequency, timing, intensity, and duration of extreme weather events, such as hurricanes and floods. The health effects of these extreme weather events range from loss of life and acute trauma, to indirect effects such as loss of home, large-scale population displacement, damage to sanitation infrastructure (drinking water and sewage systems), interruption of food production, damage to the health-care infrastructure, and psychological problems such as post traumatic stress disorder. Displacement of individuals often results in disruption of health care, of

particular concern for those with underlying chronic diseases. Future climate projections also show likely increases in the frequency of heavy rainfall events, posing an increased risk of flooding events and overwhelming of sanitation infrastructure.

##### Air pollution-related health effects

Climate change can affect air quality by modifying local weather patterns and pollutant concentrations, affecting natural sources of air pollution, and promoting the formation of secondary pollutants. Of particular concern is the impact of increased temperature and UV radiation on ozone formation. Some studies have shown that higher surface temperatures, especially in urban areas, encourage the formation of ground-level ozone. As a primary ingredient of smog, ground-level ozone is a public health concern. Ozone can irritate the respiratory system, reduce lung function, aggravate asthma, and inflame and damage cells that line the lungs. In addition, it may cause permanent lung damage and aggravate chronic lung diseases.

##### Allergic diseases

Studies have shown that some plants, such as ragweed and poison ivy, grow faster and produce more allergens under conditions of high carbon dioxide and warm weather. As a result, allergic diseases and symptoms could worsen with climate change.

##### Water- and food-borne infectious diseases

Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and water-borne diseases. Changes in precipitation, temperature, humidity, and water salinity have been shown to affect the quality of water used for drinking, recreation, and commercial use. For example, outbreaks of *Vibrio* bacteria infections following the consumption of seafood and shellfish have been associated with increases in temperatures. Heavy rainfall has also been implicated as a contributing factor in the overloading and contamination of drinking water treatment systems, leading to illness from organisms such as *Cryptosporidium* and *Giardia*. Storm water runoff from heavy precipitation events can also increase fecal bacterial counts in coastal waters as well as nutrient load, which, coupled with increased sea-surface temperature, can lead to increases in the frequency and range of harmful algal blooms (red tides) and potent marine biotoxins such as ciguatera fish poisoning.

##### Vector-borne and zoonotic diseases

Vector-borne and zoonotic diseases, such as plague, Lyme disease, West Nile virus, malaria, hantavirus pulmonary syndrome, and dengue fever have been shown to have a distinct seasonal pattern, suggesting that they are weather sensitive. Climate change-driven ecological changes, such as variations in rainfall and temperature, could significantly alter the range, seasonality, and human incidence of many zoonotic and vector-borne diseases. More study is required to fully understand all the implications of ecological variables necessary to predict climate change effects on vector-borne and zoonotic diseases. Moderating factors such as housing quality, land-use patterns, and vector control programs make it unlikely that these climate changes will have a major impact on tropical diseases such as malaria and dengue fever spreading into the United States. However, climate change could aid in the establishment of exotic vector-borne diseases imported into the United States.

##### Food scarcity

Climate change is predicted to alter agricultural production, both directly and indirectly. This may lead to scarcity of some foods, increase food prices, and threaten access to food for Americans who experience food insecurity.

*Mental health problems*

Some Americans may suffer anxiety, depression, and similar symptoms in anticipating climate change and/or in coping with its effects. Moreover, the aftermath of severe events may include post-traumatic stress and related problems, as was seen after Hurricane Katrina. These conditions are difficult to quantify but may have significant effects of health and well-being.

**CLIMATE CHANGE VULNERABILITY**

The effects of climate change will likely vary regionally and by population. The northern latitudes of the United States are expected to experience the largest increases in average temperatures; these areas also will likely bear the brunt of increases in ground-level ozone and associated airborne pollutants. Populations in mid-western and northeastern cities are expected to experience more heat-related illnesses as heat waves increase in frequency, severity, and duration. Coastal regions will likely experience essentially uniform risk of sea level rise, but different rates of coastal erosion, wetlands destruction, and topography are expected to result in dramatically different regional effects of sea level rise. Distribution of animal hosts and vectors may change; in many cases, ranges could extend northward and increase in elevation. For some pathogens associated with wild animals, such as rodents and hantavirus, ranges will change based on precipitation changes. The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution, and duration.

The health effects of climate change on a given community will depend not only on the particular exposures it faces, but also on the underlying health status, age distribution, health care access, and socioeconomic status of its residents. Local response capacity will also be important. As with other environmental hazards, members of certain ethnic and racial minority groups will likely be disproportionately affected. For example, in low-lying coastal communities facing increasingly frequent and severe extreme precipitation events, there could be increased injuries, outbreaks of diarrheal disease, and harmful algal blooms; saltwater may intrude into freshwater tables and infrastructure is likely to be damaged by severe storms, hampering economic recovery. In certain Southern coastal communities with little economic reserve, declining industry, difficulty accessing health care, and a greater underlying burden of disease, these stressors could be overwhelming. Similarly, in an urban area with increasingly frequent and severe heat waves, certain groups are expected to be more affected: the home-bound, elderly, poor, athletes, and minority and migrant populations, and populations that live in areas with less green space and with fewer centrally air-conditioned buildings are all more vulnerable to heat stress.

Some populations of Americans are more vulnerable to the health effects of climate change than others. Children are at greater risk of worsening asthma, allergies, and certain infectious diseases, and the elderly are at higher risk for health effects due to heat waves, extreme weather events, and exacerbations of chronic disease. In addition, people of lower socioeconomic status are particularly vulnerable to extreme weather events. Members of racial and ethnic minority groups suffer particularly from air pollution as well as inadequate health care access, while athletes and those who work outdoors are more at risk from air pollution, heat, and certain infectious diseases.

Given the differential burden of climate change's health effects on certain populations, public health preparedness for climate change must include vulnerability assessments that identify the most vulnerable populations with the most significant health disparities and anticipate their risks for particular exposures. At the same time, health communication targeting these vulnerable populations must be devised and tested, and early warning systems focused on vulnerable communities should be developed. With adequate notice and a vigorous response, the ill health effects of many exposures from climate change can be dampened.

**PUBLIC HEALTH PREPAREDNESS FOR CLIMATE CHANGE**

Climate change is anticipated to have a broad range of impacts on the health of Americans and the nation's public health infrastructure. As the nation's public health agency, CDC is uniquely poised to lead efforts to anticipate and respond to the health effects of climate change. Preparedness for the health consequences of climate change aligns with traditional public health contributions, and—like preparedness for terrorism and pandemic influenza—reinforces the importance of a strong public health infrastructure. CDC's expertise and programs in the following areas provide the strong platform needed:

**Environmental Public Health Tracking:** CDC has a long history of tracking occurrence and trends in diseases and health outcomes. CDC is pioneering new ways to understand the impacts of environmental hazards on people's health. For example, CDC's Environmental Public Health Tracking Program has funded several states to build a health surveillance system that integrates environmental exposures and human health outcomes. This system, the Tracking Network, will go live in 2008, providing information on how health is affected by environmental hazards. The Tracking Network will contain critical data on the incidence, trends, and potential outbreaks of diseases, including those affected by climate change.

**Surveillance of Water-borne, Food-borne, Vector-borne, and Zoonotic Diseases:** CDC also has a long history of surveillance of infectious, zoonotic, and vector-borne diseases. Preparing for climate change will involve working closely with state and local partners to document whether potential changes in climate have an impact on infectious and other diseases and to use this information to help protect Americans from the potential change in a variety of dangerous water-borne, food-borne, vector-borne, and zoonotic diseases. CDC has developed ArboNet, the national arthropod-borne viral disease tracking system. Currently, this system supports the nationwide West Nile virus surveillance system that links all 50 states and four large metropolitan areas to a central database that records and maps cases in humans and animals and would detect changes in real-time in the distribution and prevalence of cases of arthropod-borne viral diseases. CDC also supports the major foodborne surveillance and investigative networks of FoodNet and PulseNet which rapidly identify and provide detailed data on cases of foodborne illnesses, on the organisms that cause them, and on the foods that are the sources of infection. Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and waterborne diseases, and these changes can be identified and tracked through PulseNet.

**Geographic Information System (GIS):** At the CDC, GIS technology has been applied in unique and powerful ways to a variety of public health issues. It has been used in data collection, mapping, and communication to

respond to issues as wide-ranging and varied as the World Trade Center collapse, avian flu, SARS, and Rift Valley fever. In addition, GIS technology was used to map issues of importance during the CDC response to Hurricane Katrina. This technology represents an additional tool for the public health response to climate change.

**Modeling:** Currently sophisticated models to predict climate and heat exist. For example, CDC has conducted heat stroke modeling for the city of Philadelphia to predict the most vulnerable populations at risk for hyperthermia. Modeling and forecasting represent an important preparedness strategy, in that it can help predict and respond to the most pressing health vulnerabilities at the state and local level. Armed with modeling data, we can target response plans for heat and other extreme weather events to the most vulnerable communities and populations.

**Preparedness Planning:** Just as we prepare for terrorism and pandemic influenza, we should use these principles and prepare for health impacts from climate change. For example, to respond to the multiple threats posed by heat waves, the urban environment, and climate change, CDC scientists have focused prevention efforts on developing tools that local emergency planners and decision-makers can use to prepare for and respond to heat waves. In collaboration with other Federal partners, CDC participated in the development of an Excessive Heat Events Guidebook, which provides a comprehensive set of guiding principle and a menu of options for cities and localities to use in the development of Heat Response Plans. These plans clearly define specific roles and responsibilities of government and nongovernmental organizations during heat waves. They identify local populations at increased high risk for heat-related illness and death and determine which strategies will be used to reach them during heat emergencies.

**Training and Education of Public Health Professionals—Preparing for the health consequences of climate change** requires that professionals have the skills required to conceptualize the impending threats, integrate a wide variety of public health and other data in surveillance activities, work closely with other agencies and sectors, and provide effective health communication for vulnerable populations regarding the evolving threat of climate change. CDC is holding a series of five workshops to further explore key dimensions of climate change and public health, including drinking water, heat waves, health communication, vector-borne illness, and vulnerable populations.

**Health Protection Research:** CDC can promote research to further elucidate the specific relationships between climate change and various health outcomes, including predictive models and evaluations of interventions. Research efforts can also identify the magnitude of health effects and populations at greatest risk. For example, CDC has conducted research on the relationship between hantavirus pulmonary syndrome and rainfall, as well as research assessing the impact of climate variability and climate change on temperature-related morbidity and mortality. This information will help enable public health action to be targeted and will help determine the best methods of communicating risk. CDC can serve as a credible source of information on health risks and actions that individuals can take to reduce their risk. In addition, CDC has several state-of-the-art laboratories conducting research on such issues as chemicals and human exposure, radiological testing, and infectious diseases. This research capacity is an asset in working to more fully understand the health consequences of climate change.

Communication: CDC has expertise in health and risk communication, and has deployed this expertise in areas as diverse as smoking, HIV infection, and cancer screening. Effective communication can alert the public to health risks associated with climate change, avoid inappropriate responses, and encourage constructive protective behaviors.

While CDC can offer technical support and expertise in these and other activities, much of this work needs to be carried out at the state and local level. For example, CDC can support climate change preparedness activities in public health agencies, and climate change and health research in universities, as is currently practiced for a variety of other health challenges.

#### CONCLUSION

An effective public health response to climate change can prevent injuries, illnesses, and death and enhance overall public health preparedness. Protecting Americans from the health effects of climate change directly correlates to CDC's four overarching Health Protection Goals of Healthy People in Every Stage of Life, Healthy People in Healthy Places, People Prepared for Emerging Health Threats, and Healthy People in a Healthy World.

While we still need more focus and emphasis on public health preparedness for climate change, many of our existing programs and scientific expertise provide a solid foundation to move forward. Many of the activities needed to protect Americans from the health effects of climate change are mutually beneficial for overall public health. In addition, health and the environment are closely linked, as strongly demonstrated by the issue of climate change. Because of this linkage it is also important that potential health effects of environmental solutions be fully considered.

Thank you again for the opportunity to provide this testimony on the potential health effects of global climate change and for your continued support of CDC's essential public health work.

Mr. CARDIN. I yield the floor.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### ADMINISTRATION SPENDING PRIORITIES

Mrs. MURRAY. Mr. President, over the past few months we have sent the President critical legislation that invests in our country's transportation, economy, health and safety needs. Funding these priorities will make our country safer, our communities healthier, and our economy stronger. Unfortunately, it seems the President doesn't share these priorities. He has proposed to this Congress harmful budget cuts, and now he says he is going to veto several of these vital bills because we are asking for \$22 billion more than he requested. He says our domestic spending is "irresponsible and excessive."

I personally find that hard to understand when, at the same time as he is saying that, he wants \$196 billion in emergency spending for the wars in Iraq and Afghanistan. By the way, that does not include any money for our

veterans. In fact, the \$22 billion we want to invest at home represents less than what the President spends in Iraq in 3 months. That, not these bills, is what I think is irresponsible and excessive. We have to make sure we are not ignoring our needs here at home. The appropriations bills have the support of both parties. They ensure that our roads and our bridges, our airports, our railways are in good condition. They assure that our workers and families are healthy and our children have a chance to succeed. They assure that we have enough law enforcement officers to keep our communities safe. These bills simply restore some of the money the President cut and take a modest step forward after years of going in the wrong direction.

A healthy transportation system is vital to a healthy community. We need to ensure that our families can get to school or get to work and that goods move from place to place. But when he says no to our bill that provides money for transportation and housing and urban development, what the President is saying no to is the investments that ensure that our communities are strong, that prevent disasters—such as the bridge collapse in Minneapolis—from happening in this country again.

I am baffled, frankly, that the President's request for the war includes about \$200 million for the construction of secondary roads in Afghanistan. He wants to spend \$200 million on roads in Afghanistan but he is upset about our amendment to fix bridges in the United States.

Clearly, this administration thinks these projects are a priority for Iraq and a priority for Afghanistan; otherwise, the President would not have included them in his emergency spending bill for the war. So I ask, why doesn't the President think the roads and bridges are a priority in our country, in the United States?

At the same time the President is waging war overseas, we are here trying to make sure our employers have workers, that our families have access to health care, that our children get a good education. Tuesday night an overwhelming majority of this Senate voted to spend \$11 billion over the President's request on Labor, Health and Human Services and Education programs so we could do that. That bill we passed would invest in cutting-edge medical research for diseases such as Alzheimer's and diabetes and cancer, research that brings hope to millions of Americans. In taking that vote the other evening, a bipartisan group of Senators agreed to restore funds for education, for jobs training, for health systems, when President Bush would have left them to cope with yet another year of unfunded mandates and empty promises.

The children's health insurance bill that we approved earlier this year also is intended to help millions of our children. That bill, too, achieved a majority of support in the House and in the

Senate but not from the President. Those bills would make Americans healthier and the economy more competitive. But the President disagrees. He says these programs are "irresponsible and excessive."

But guess what he proposes in his \$196 billion request for Iraq and Afghanistan. He asks for \$25 million for economic development projects to foster job creation—in Iraq. And \$60 million to fund economic projects to sustain development in the tribal areas of Pakistan.

Let me say it another way. He plans to veto job creation and economic development right here at home, but he is asking us to spend millions of dollars in emergency funding on similar programs in Iraq and Afghanistan.

The President says \$196 billion that he is requesting for the war is necessary to make our world safer. We believe we also need to invest more in safety here at home. Our bill funding Commerce, Justice and Science programs works hard to ensure that our communities have enough FBI agents and police on our streets here at home. Like the other programs we want to fund, that bill restores the cuts that the President had proposed. Few bills are as important to the safety of our communities as that one.

I am especially concerned that the President is threatening to veto that bill because of how it affects my home State and the Nation. Six years after 9/11, the administration still has not replaced 2,400 law enforcement agents across the country that it reassigned to counterterrorism after 9/11.

In my home State of Washington, we were hit very hard by that. According to an investigation by the Seattle Post-Intelligencer, our Seattle newspaper, we have a critical shortage of FBI agents: 2.1 agents for every 100,000 residents or about half the national average.

The shift to counterterrorism has left our law enforcement shorthanded. Local police and sheriffs told me that the FBI has "virtually disappeared" from white-collar crime investigations. They told me the FBI does not have the resources today to adequately staff antigang task forces.

Criminals have not stopped robbing our banks or dealing drugs or stealing identities. An amendment I included in that bill would take steps to get more FBI agents into my community and wherever they are needed.

But the President said he is going to veto that bill. In so doing, he is going to veto our amendment. If we can spend \$10 billion a month for the war in Iraq, we should be willing to spend a fraction of that to ensure the security of our citizens at home.

Clearly, the President is the one who is being "excessive" and "irresponsible." This might be an abstract debate about Federal funding for the President, but I think all of us know here it is about real people; it is about hard-working parents who are searching for a way to get health care for

their own families when it has not been provided by their employers. It is about citizens out of traffic jams, and ensuring that our roads and bridges are safe to drive on. It is about making sure the people we represent can trust that enough law enforcement officers will be there to fight crime in their neighborhoods.

When I travel around Washington State, people tell me they want hope and they want change. Whether it is the war in Iraq or gas prices or access to health insurance, people today feel a real weight on their shoulders. They are looking for a light at the end of the tunnel. By vetoing those important bills, and failing to invest in the safety, health, and economic future of all Americans, the President keeps putting out that light. We are investing \$22 billion over last year in the future of our country.

I urge all of my colleagues to support these bills as we move forward on behalf of the millions of American children and families who would benefit. I hope the President is listening.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

IRAN

Mr. DURBIN. Mr. President, the bill before us is a very important bill for our country. It is the reauthorization of the Amtrak operation which serves Illinois and most of our Nation very well. It is one of the most successful modes of transportation in terms of growth in our country.

In the last year the ridership on Amtrak in Illinois has doubled. Doubled. That is an indication of a commitment, not only from the State of Illinois to make that happen, but also with the price of gasoline a lot of people are discovering the train again. They are back on those trains traveling between St. Louis and Chicago, Quincy and Chicago, Carbondale and Chicago, students, families, business people. That is a good thing.

I salute Senators Lautenberg and Lott for bringing this authorization bill to the floor. I definitely want it to pass as quickly as possible. I hope we will show the support for Amtrak which has been lacking for some time in the past but in the future needs to be there.

I want to discuss an amendment which I am going to offer which has nothing to do with Amtrak, and perhaps it will not be allowed at this moment in time in the debate. But I will offer it because I think it is timely, and I offer it because if it is not allowed on this bill at this time, I hope we will have a chance to bring it up in the very near future.

I can recall a little over 5 years ago, on the floor of the Senate, when we debated the invasion of Iraq. Those votes are historic and very personal. Members who were called on to make those decisions will never forget the anguish they face when they have to decide whether to send our Nation to war. We

know it is the most important vote that can be cast. We know even under the best of circumstances Americans will die if we go to war. We hope our enemy will be vanquished, but we know that innocent people will also die.

A little over 5 years ago, that decision was made on the floor of the Senate to go forward with the invasion of Iraq. There were many of us who had serious misgivings about that decision. I was one of 23 Senators, 22 on the Democratic side, 1 on the Republican side, who voted against the authorization of military force.

I felt the President had not made a strong case for that invasion. I felt he did not have a sound plan for an invasion and a victory. I felt the American people had been misled; misled about Saddam Hussein, misled about weapons of mass destruction, misled about the impact of this almost unilateral invasion by the United States into Iraq.

Well, here we are in the fifth year of the war, over 3,800 Americans have been killed, 30,000 injured, more than 10,000 seriously injured, with amputations and serious burns, traumatic brain injury. With the President's latest request, the spending on the war in Iraq will reach three-quarters of a trillion dollars. In 5 years, three-quarters of a trillion dollars, \$750 billion; money, which if spent in the United States on Amtrak, on medical research, on health care, on education, would have had a dramatic, historic impact, a positive impact on America.

But, no, it was spent in the course of a war that has no end in sight. Our men and women in uniform have shown extraordinary bravery and courage under amazing, trying circumstances in the civil war we never bargained for.

When we went to war in Iraq, the President said the reasons were clear: first, depose Saddam Hussein; second, to rid our world of his weapons of mass destruction; and, third, to protect threats against America's security.

Here we are almost 5 years later with Saddam Hussein gone, no weapons of mass destruction, and the only threat to America's security being the threat to our own soldiers and occupational forces in Iraq.

The debate seems to have moved from Iraq to another neighboring country, at least in the eyes of the White House, that is, the country of Iran. We continue to hear the most bellicose, warlike statements coming from the President and Vice President about the potential for the invasion of Iran.

Make no mistake, Iran cannot be ignored. It has fostered a foreign policy that supports some of the worst actors in the Middle East, from Hezbollah to Hamas. It is pursuing a nuclear program despite international condemnation. It has threatened to wipe our strong ally Israel off the map. There is plenty of evidence to suggest Iran is complicit in supplying training and materials for attacks against our soldiers in Iraq.

Senator GORDON SMITH of Oregon and I have introduced bipartisan legisla-

tion, the Iran Counterproliferation Act of 2007. It would tighten sanctions against Iran if it does not halt its nuclear programs. It stops short, clearly stops short, of calling for military action. That is the reason I come today.

I continue to be concerned that this administration is going to move too far, too fast, toward military action against Iran. The positioning of some of our battle forces, the statements from Vice President CHENEY and President Bush trouble me. They trouble me because in August the McClatchy Newspapers reported that the Vice President proposed U.S. air strikes inside Iran. Earlier this month, President Bush said if we were interested in avoiding World War III—these are his words, World War III—we ought to be concerned about preventing Iran from gaining the knowledge needed to produce nuclear weapons.

This week, Vice President CHENEY said, during an event in Lynchburg, Virginia, that the United States and others are "prepared to impose serious consequences" on Iran. This troubles me. If this administration believes it has some authority from Congress for the invasion of Iran, I challenge them to show me what that authority is. They certainly did not receive that authority with their authorization to use military force in Iraq. That was never even considered. There has been no action I am aware of since which would give them that authority.

If they think they have some inherent power to launch an invasion of another country such as Iran, they are clearly wrong, wrong because of this document, our Constitution. The Constitution makes clear in article I, section 8, that the power to declare war is vested in the American people through their elected representatives in Congress, in the House and in the Senate.

I come to the floor today to remind not only my colleagues but the administration that they have solemn constitutional responsibilities. Before they initiate any offensive action in Iran, they have to come to the Congress for the authority to do so. To do otherwise is, in my mind, not only reckless but clearly unconstitutional.

I want to take a moment to read this resolution I have proposed because it is very short. It is two sentences:

The Senate hereby affirms that Article I, Section 8 of the Constitution of the United States vests in Congress all power to declare war.

And, paragraph 2:

Any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

The wording is concise and limited, and I hope makes a clear point. That point is, the Constitution counts. This President, no President, has the authority for unilateral invasion of a country. Every President has the power to defend America and Americans. But to initiate an invasion of Iran at this point in our history would

be not only a terrible foreign policy mistake, but violate the constitutional processes we have set in place, a Constitution we have all sworn to uphold.

I understand that this bill, this Amtrak authorization bill, is hardly a bill to debate the constitutional authority to go to war or foreign policy on Iran, but I continue to be troubled day in and day out with statements by the President and Vice President to suggest that we are somehow preparing in any way, shape, or form for offensive military action in Iran.

I know my time is limited. I thank the sponsor of the legislation that is now pending, and the Republican minority leader on this committee.

I ask unanimous consent that the pending amendments be set aside so this amendment be might be called up, with the understanding that it is not likely to be allowed, but to let my colleagues know I am going to introduce this as separate legislation. I hope they will join me in cosponsoring it and join me as well in finding the first available venue and forum to raise this important constitutional issue.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, first, I thank the Senator for his comments about our efforts on the Amtrak legislation. This is the Amtrak legislation, and I do not think it is the place to have this debate he is proposing. He acknowledges such. In view of that, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that at 3:15 today, the Senate proceed to vote in relation to the Sununu amendment No. 3446, with no amendment in order to the amendment prior to the vote; and that the 4 minutes immediately prior to the vote be divided as follows: 1 minute each for Senator LAUTENBERG, myself, and Senator LOTT, or our designees, and 2 minutes for Senator SUNUNU.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. LOTT. Madam President, first, if I could clarify the agreement that was just enumerated here, at 3:15 then we will move to a vote on the pending Sununu amendment, and prior to that, it will give us a chance on both sides of the issue to make some brief remarks, and Senator SUNUNU will be back momentarily to make some comments and an explanation of his amendment.

The amendment would modify the bill's competition pilot program to allow an unlimited number of existing Amtrak routes to be open to competition from freight rails that seek to operate passenger trains in exchange for Amtrak's current subsidy.

We have worked on this issue before. Senator SUNUNU had this amendment the last time this bill came up. We worked out a compromise that is in the bill which is to have a pilot program.

Philosophically, I am attracted to this amendment. I do think we ought to have competition. I think it makes sense maybe for the freight lines to provide this passenger service. But this is a major change in what is currently done. So rather than just leaping into this in an uncertain and an unknown way in terms of its impact, results, what would happen to Amtrak, how it would impact the service, the alternative is to go with what we worked out a couple years ago, and that is a competitive pilot program that would allow two routes a year—not two total; it is two a year—to get into this competitive pilot program area, see how it works, find out the details, assess the good and the bad and the costly which could come out of it. That is the preferred way to go. We do say we will have this for the life of the bill, which is a number of years, so it could be up to 10 or 12 routes that may be involved eventually.

This is a new concept, and we believe what we have outlined in the provisions of S. 294 will prescribe it in such a way that it won't cause problems and we can see if it works. It may work. I emphasize, this is something I may want to move toward in the future. But I want us to have a national rail passenger system, No. 1. I want us to quit starving Amtrak and then blasting them because they don't do better even though we know they don't have the money to do the job. I want us to give them clear instructions for reform and to evaluate routes and have better governance. We have put this in the bill. This will be a major plus for Amtrak, to give them more authority.

Some of these routes could be shut down. We had the earlier Sununu amendment that we think could have led to a pretty precipitous shutting down of six or eight of these long-distance routes in other parts of the country. That would have been a mistake. But I do think that, more than likely, over a period of 2 or 3 years, you can't defend an individual subsidy per passenger of \$500 or \$600.

More and more, as we make this a more attractive entity, deal with the capital needs, improve the trackage that is available for them to use, get better governance, then it will be more attractive for competition to come into play. Maybe States will have more operations, as well as the freight lines.

I understand the goal of Senator SUNUNU. I appreciate the fact that he is not one who has just been critical. He is engaged. He is thinking about it. He has some ideas. But I urge defeat of this amendment. Let's see how the pilot program works and then, in 4 or 5 years, evaluate what we have seen and perhaps do something more.

I yield the floor.

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

Mr. LAUTENBERG. Madam President, we are examining an amendment offered by Senator SUNUNU. As we have just heard, we have been through this

somewhat before. The amendment would open to privatization all of Amtrak's long-distance and corridor train routes and give Federal funding to private companies to do what Amtrak does with no additional contract oversight. We saw something with the British experience—that there is potential for disaster when you fully privatize a national railroad. In the UK, wholesale privatization of their rail line did not work. In the end, safety was compromised for profits, and several died in horrific train derailments.

Our bill does not allow a complete sell-off of our entire national railroad. It does, however, provide a controlled procedure for competitive bidding on a limited number of routes. This competition will be allowed only under strong supervision by Federal regulators. The Federal Railroad Administration, which also oversees rail safety, will start by accepting bids from other railroads interested in running passenger trains for one to two train routes. This is an experiment to see if the Government can save any money by letting someone other than Amtrak try to run passenger train service.

Railroading in America is a complex operation. Most railroads currently in service can trace their roots back 150 years. There are comprehensive safety standards that must be met. There are laws that apply only to the railroad industry. You have to share limited infrastructure with other railroads. Wholesale privatization of Amtrak is not in our country's best interest. The traveling public relies on the expertise of American railroads for safe and efficient service.

Under our bill, a limited experiment can be attempted for competitive bidding with proper oversight. Expanding it by including the Sununu amendment, frankly, could be disastrous. It is hard to imagine that we would permit residents in a hospital or medical learning experience to go ahead and start doing surgery. Say take a couple of cases, we will examine them, and then we will go on to full-time operation with your skills. Meanwhile, you don't just throw the whole thing together and take a chance that you are right. We have included an opportunity for two of these competitive bids to take place in a year and see what the results are and then decide whether we go further, instead of throwing the whole works in there at one time.

For obvious reasons, I oppose this amendment. I urge my colleagues to vote against it. We are just now doing a whole reform of Amtrak. We are reducing operating costs as a requisite and doing much more to improve rail service. It is obvious that rail service is and has to be an essential part of our transportation infrastructure.

I oppose this amendment. I hope my colleagues will stand up and say: No, we are going to give Amtrak a chance to operate because we desperately need it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SUNUNU. Madam President, we will have a vote shortly on the second amendment I have offered. Senator LAUTENBERG just spoke a little bit about the amendment. I certainly want to clarify for the record what the intention of the amendment is and what its practical impact would be.

This is not a wholesale privatization of Amtrak—far from it. The provision in the legislation allows two routes under supervision, oversight as described by Senator LAUTENBERG, to be put out for competitive bid to see if there is another service provider that can run the trains on those routes, delivering better service at a better cost. That makes good sense—good sense for riders and taxpayers. It is not a wholesale privatization by any stretch, especially considering the supervision and oversight that would have to be in place for this competitive bidding process.

Senator LAUTENBERG used the phrase or description about this being a learning experience and you don't want to have people in a medical environment in a learning experience then suddenly asked to do major surgery. I think I understand what he was trying to suggest, but I listened to that phrase and it implies to a certain degree that the management team at Amtrak is a bunch of amateurs that can't be trusted. That is not the case at all. They understand these routes, the operation, the nature of the service they are providing. They are in the best position to help determine how routes should be put out for competitive bid. My amendment simply says there is no reason to limit the number to two. Why would we do that? Because we don't trust them? We don't think they will do a good job? We don't think they want to deliver good service at a competitive cost? Why would we limit them to two? My amendment would allow competition in more than two routes. It would not mandate it or require it. It wouldn't force anyone's hand. It simply would remove a very arbitrary limit on the number of routes that can be put out in a competitive bid to companies run more effectively and efficiently for riders and taxpayers. That is about as simple as you can get. It does make good sense. It doesn't destroy the system. It doesn't throw anyone out of work. It doesn't undermine the integrity of the reforms that are already in the bill by any stretch. I think it simply allows us to get an even better idea of whether those reforms have an impact.

Senator LAUTENBERG described a process where up to two routes, as allowed for in the bill, would be competi-

tively bid. Then the managers at Amtrak would look to see how successful it was and be able to go from there. That isn't true. In fact, that is just what I am trying to deal with. They wouldn't be able to go from there because there is a limitation that they could only do two. So if they decided that this was very effective, they wouldn't be empowered to use this tool to even greater advantage without Congress coming back and changing the law and changing the statute. That is not going to happen anytime soon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. We have already seen how difficult it is to pass this bill as written. I encourage support for my amendment.

I yield back my time.

Mr. LAUTENBERG. Madam President, we ought to crawl before we walk, to use the old adage. We have to learn it firsthand without putting the whole thing at risk.

Mr. LOTT. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. LOTT. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

The clerk will call the roll.

The bill 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 California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "nay."

Mr. LOTT. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 27, nays 64, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—27

Alexander	Coburn	Kyl
Allard	Cornyn	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McConnell
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Sununu
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter

NAYS—64

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

NOT VOTING—9

Biden	Feinstein	Lieberman
Clinton	Gregg	McCain
Dodd	Kennedy	Obama

The amendment (No. 3456), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senator LAUTENBERG is here, chairman of the subcommittee. He is working with Senator MURRAY on a couple amendments. We have a couple amendments by Senator DEMINT that we have cleared. We are hoping we will have a chance to visit with Senator DEMINT or some of his representatives momentarily and maybe clear some other amendments. I thank Senator DEMINT for coming over. He actually came over with a block of nine amendments, and we are working through those. Some of them we can certainly accept. We will work through the rest.

Senator REID was very generous yesterday in agreeing that we wouldn't complete this bill until Senators had a chance to review it and come up with amendments, even as late as Tuesday morning, provided they were germane; otherwise, we could finish this bill this evening.

We have another issue that has been interjected; that is, the Internet tax issue. I know Members on both sides and the leadership are working out when and how we would get to vote on that important issue because next Thursday, if we don't come up with something, the Internet moratorium on taxes will expire November 1. We have to deal with the issue.

I call on my colleagues, if you have amendments of any kind on the Amtrak legislation, come over and offer

them. We will work through them this afternoon. I don't know what the leadership is going to decide with regard to votes later on this evening or tomorrow, but there will not be any votes on Monday, as previously announced by the leadership. So we will have to either deal with these amendments that might come up this afternoon or tomorrow or Tuesday.

After we dispose of the Internet tax, everybody needs to know that this bill can and should and will be finished before sundown Tuesday. That is what the leader, Senator REID, wants. That is what Senator McCONNELL wishes to accommodate. It is my intent to work with Senator LAUTENBERG to drive this bill to conclusion. It is not controversial. What is in here is broadly supported. We had 93 votes last time. We may get more this time. Of the amendments that have been offered, the most an amendment has received was 27 votes. We are going to continue to look for ways to do even more that is positive for Amtrak. But we need to go ahead and be done with this next Tuesday.

I yield the floor to hear any remarks the chairman has.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Very briefly, I join Senator LOTT in telling our colleagues to come on down if they have something they want to put into this bill. We are on the edge of progress, and we ought to move ahead.

AMENDMENTS NOS. 3457, AS MODIFIED, AND 3459, AS MODIFIED

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up en bloc the Murray amendments Nos. 3457 and 3459 and ask unanimous consent that the amendments be modified with the changes at the desk; that the amendments, as modified, be considered and agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3457 and 3459), as modified, were agreed to, as follows:

AMENDMENT NO. 3457, AS MODIFIED

On page 189, after line 25, add the following:

##### TITLE V—MISCELLANEOUS

##### SEC. 501. 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).

AMENDMENT NO. 3459, AS MODIFIED

On page 33, between lines 10 and 11, insert the following:

##### 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.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENTS NOS. 3460 AND 3461

Mr. LOTT. Mr. President, on behalf of Senator DEMINT, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3460 and 3461.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report en bloc.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. DEMINT, proposes en bloc amendments numbered 3460 and 3461.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 3460

*(Purpose: To ensure that capital investment grants authorized under section 24402 of title 49, United States Code, may be used for passenger rail infrastructure)*

On page 63, line 9, insert “, infrastructure,” after “facilities”.

AMENDMENT NO. 3461

*(Purpose: To direct the Government Accountability Office to conduct a study that compares passenger rail systems in certain developed countries)*

At the end of title III, add the following:

##### 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.

Mr. LOTT. Mr. President, these amendments have been cleared on both sides. I, therefore, ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3460 and 3461) were agreed to.

Mr. LOTT. Mr. President, we do have two more amendments by Senator DEMINT that I think have been cleared, but we are waiting to have a chance to discuss with Senator DEMINT some of the other amendments. We are trying to get sort of an equal amount agreed to as we go forward. But we are trying to clear the deck of some of these amendments, and we are going to continue to work on that. Hopefully, we can dispose of another four or five amendments this afternoon even.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. ALLARD pertaining to the introduction of S. 2241 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**SUBPRIME FORECLOSURES**

**MR. BROWN.** Mr. President, today the Joint Economic Committee released a report highlighting the impact of subprime foreclosures on local economies. It confirmed what many of us know: When homes go into foreclosure, it is not just the homeowner and the tragedy to that family; whole communities suffer. When entire neighborhoods fall victim to foreclosures, communities are often devastated.

Today's report shows that in Ohio, there are more than 293,000 outstanding sub-prime loans—293,000 in a State of 11 million people, perhaps 3 million-plus households; 293,000 outstanding subprime loans. Every outstanding loan represents a family, an Ohio family, that is so close to losing their home.

The estimated loss of property value this year in Ohio is more than \$3.7 billion. The estimated local tax loss, that is local government revenue all over the State, this year is more than \$31 million. That is lost revenue needed to pay for firefighters, for schoolteachers, for police officers, and for rescue squad vehicles and their workers. That lost revenue means poorer service and less service for those communities already suffering from poverty and suffering from the foreclosures themselves.

Two years ago, when Hurricane Katrina's storm surge left thousands homeless, Congress and the American people leapt to respond. We were moved and ashamed by the images we saw in our newspapers and on television. We were moved by the images, and ashamed, frankly, by our Government's lack of response. Most of us could not believe this could happen in our country. Today, we are witnessing the economic equivalent of Katrina in the housing market—a slow moving storm surge that is leaving hundreds of thousands, perhaps millions, of people in this country without a home. They have lost their homes, they have lost their American dream. It started on Lake Erie rather than on Lake Pontchartrain, but it has spread to all corners of our country—from New York to the Presiding Officer's Florida, from California to Minnesota. As today's report shows, subprime lending doesn't just hurt families, it hurts entire communities.

Unfortunately, the response to date in some ways has been worse than Katrina. Regulators have been slow to use their authority to act, Congress has done next to nothing, and the President, as before with Katrina, made a speech and then moved on. The Treasury Department sprang into action when Wall Street was looking at losses, but it has not applied the same energy or commitment to the thousands upon thousands of families in Slavic Village, near Cleveland, in Columbus and Lima, in Mansfield and Marion, or Zanesville. Thousands and thousands of families in those communities are losing their homes.

Whole neighborhoods in Cleveland and Dayton and cities throughout the State are drowning in foreclosures. Things are going to get worse before they get better. We know that, because the adjustable rate mortgages are about to reset day after day, week after week, month after month in our communities. Almost every day the news brings more evidence of how widespread this problem has become for banks—losses in Merrill Lynch, layoffs at Bank of America, and huge layoffs at National City Bank in my State.

Even as National City announces the layoff of 1,000 people in Ohio, in the first 9 months of this year, since January, 100,000 foreclosure filings have already stacked up, with every county in our State contributing to that stack.

Home sales are down, prices are down, and problems are showing up in prime markets. But we have yet to see the worst of it. Resets of subprime adjustable rate mortgages will peak this fall, ease up a bit, and then skyrocket next fall. Throughout the time these mortgages were being made, underwriting standards fell further and further. So on top of the enormous volume of loans resetting over the next 12 to 15 months, the likelihood of all those 2-28 loans made in 2006 defaulting in 2008 is likely to get worse.

We are already in record territory when it comes to this year's loans, but we have made a start in addressing this crisis. The \$200 million contained in the housing appropriations bill passed by the Senate must be maintained or increased in the bill sent to the President. And he must sign it. He must do something about this. That would be a major first step to helping those neighborhood organizations, those not-for-profits. There is a terrific one in Toledo, and several in my State and in the State of Florida too. It will matter to those people who are about to lose their homes. They are delinquent in their payments, perhaps because of the reset and a higher mortgage, or because their taxes and insurance were added when they didn't know they weren't included, or when they were simply deceived or betrayed by fraudulent mortgage brokers.

This \$200 million is not a bailout. It is only to help them renegotiate their loans so their delinquencies won't turn into foreclosures. And the President, as I said, must sign this bill.

The regulators need to act and act quickly with strong protections for consumers, and Congress must act to codify and build on those protections. Mortgage bankers must be held accountable for their actions. They can no longer sell loans without regard to whether a borrower can afford to pay them back. And banks have to be responsible as well. Underwriting standards have to ensure that borrowers qualify at the real rate rather than the teaser rate. No more of that. Escrows have to be set up for subprime loans, as they are for prime loans, and put money aside for insurance and for

taxes. No-document loans need to become a thing of the past.

Just because the subprime crisis is less visible than the destruction of a hurricane, it is no less damaging. All of us need to respond. Our response must be comprehensive and our response needs to happen now.

I yield the floor, and 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. HARKIN.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER (Mr. NELSON of Florida).** Without objection, it is so ordered.

**MR. HARKIN.** Mr. President, I ask unanimous consent to proceed as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**MAYTAG PLANT CLOSING**

**MR. HARKIN.** Mr. President, tomorrow with the closing of the Maytag manufacturing plant in Newton, IA, a beloved Iowa institution and an icon in the history of industrial America will be gone forever.

The Maytag brand, synonymous with product quality and reliability, will still be attached to rebranded Whirlpool Corporation appliances, but do not be fooled, those products will no longer be made by loyal, skilled, experienced, Iowa workers. They will be made elsewhere.

This is a heartbreaking loss to the Newton community, Newton, IA, and a loss felt by people across my State of Iowa. Maytag was founded in Newton by Fredrick Louis Maytag, in 1893, as a manufacturer of farm equipment. Fourteen years later, the company introduced its first washing machine, which it produced during seasonal downturns in the farm implement business.

Newton soon became known as the washing machine capital of the world. By the time it was acquired by Whirlpool in 2006, Maytag Corporation was a \$4.7 billion company with 18,000 employees worldwide.

But the center of its operations, the heart of its operations, was Newton, IA, with 2,800 employees. Now, it is all gone. Thousands of good-paying jobs and the economic foundation of an entire community.

For generations, Iowans eagerly went to work at Maytag, and Maytag was an integral part of the Newton community. Maytag workers helped to build a thriving local economy. The children of Maytag assembly line workers and the children of the Maytag executives all went to the same high-quality schools.

When children graduated from high school or from college, many came home to Newton to work at Maytag, either on the line or as executives. Together, workers and management at

Maytag built a wonderful community and a wonderful business. Now, in what seems like the blinking of an eye, Maytag is gone.

Why? Well, because it is cheaper to make appliances in foreign countries that pay their workers a pittance; that lack labor standards and environmental protections. Maytag management was seduced by the lure of lower wages; sent jobs from some of their plants to Mexico.

This, combined with unwise decisions by management to buy a variety of companies, significantly weakened Maytag's finances and their ability to invest in improvements to their own product lines. That made the company a takeover target.

It is a personal tragedy for the workers of Maytag and elsewhere who have lost good-paying jobs, but it is something else; it is a threat to the middle-class standard of living in this country, as displaced workers are obligated to accept lower paying jobs, often without health insurance or pension benefits.

According to a study by economists at Iowa State University, the average income in Jasper County, that is the home of Newton, the average income in Jasper County in 2005 was \$34,400 a year, again, because of Maytag.

Without the Maytag jobs, the average income will drop by nearly \$5,000. Let's be clear. As I said, washing machines made elsewhere will probably still carry the Maytag brand, but I will always say that the heart and soul of Maytag was the Newton community.

Richard Doak, a Des Moines Register columnist, was intervening a Maytag worker years ago when the company was hinting it might close the Newton plant. The worker stated:

If that ever happens, it will be the end of Maytag, because the people of Newton are the essence of the company. We pump blue blood [said the worker, referring to the color of the Maytag logo.]

Daniel Krumm, the chief executive officer who transformed Maytag into a global company said that what he called the Newton ethic, was the key to the company's success. By the Newton ethic, he meant an entire community that was loyal to the company and took great pride in making products of the highest quality.

Unfortunately, some of Daniel Krumm's successors chose to betray the Newton ethic. Some of them chose to cash it in for cheaper products, and higher profits made outside the United States.

This story is all too familiar to skilled workers in the manufacturing sector in this country. You might wonder why I am on the floor talking about this on this Thursday, October 25. Because tomorrow, on Friday, Maytag will shutter its last plant and cease operations in Newton, IA. I worked as hard as I could to prevent the Whirlpool takeover of Maytag. I worked with State and local officials to prevent the closing of the plant in Newton. But in the end, regrettably, our efforts were unsuccessful.

Particularly, I wish to salute the tremendous effort of the officers, the plant committee, the department of stewards of United Auto Workers Local 997. Under the outstanding leadership of Ted Johnson, the local president, they have been on the frontlines throughout the crisis of Maytag, fighting to prevent the plant closure; when that failed, doing everything possible to help the displaced workers.

Tomorrow, Friday, will be a sad day in Newton, IA. But there is rebirth. Not all of the news from Newton is bad. The Newton ethic survives, and the Newton community is resilient. Two companies, Iowa Telecom and Caleris, plan to add more than 200 jobs in Newton by the end of the year.

Other businesses are expanding. Community leaders are coming together to develop a strategy to rebound from the loss of Maytag. I wish them every success, and I will stand ready to continue to assist in any way I can.

Another sad chapter in the continuing decline of our manufacturing base in America. Maytag. Who has not seen the ad about the Maytag repairman who has nothing to do because Maytag was such a good product?

Whether it is refrigerators or washing machines, home appliances, Maytag always stood for the best in quality. It was the best in quality because it was made by dedicated workers, skilled workers who took pride in their work. They made good livings. They were middle-class families. I said it was always a joy to go to Newton. It was wonderful to see the sons and daughters of assembly line workers going to the same school as the executives' kids, all working together, going to the same churches, belonging to the same clubs, going to the same bowling alleys, having this wonderful picnic every year, where the executives and their families and the workers and their families all were enjoying their annual picnic with their kids.

They took pride in the products they built. I do not think the people in some of these other countries will have that same kind of commitment. They are lower paid, they did not have the benefits. At some point, we have to take stock of what is happening to our manufacturing base in this country and what is happening to us in terms of a community and a business that can grow and evolve.

I know things change, and they have to change, but still, there is no reason, there is no reason why Maytag had to leave Newton. There were some bad business decisions made. But, again, it is chasing higher profits in the short term by shipping our jobs out overseas or to Mexico or to other countries.

And those short-term profits lead to long-term losses for the workers and their families and everyone else. So it is a sad day tomorrow in Newton and a sad day for all of us trying to work so hard to keep Maytag alive.

The PRESIDING OFFICER. The majority leader is recognized.

#### INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 429, H.R. 3678.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

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

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, reserving the right to object—and I certainly will not object—I just want to take a brief moment to say how pleased I am we are able to reach this bipartisan compromise. This package will extend the current Internet tax moratorium for 7 years—nearly twice as long as the bill passed over in the House of Representatives. This is a positive step in protecting American consumers from taxes on Internet access, taxes that strike at the heart of innovation and economic growth in America.

I particularly thank the distinguished Senator from New Hampshire for his skillful role in bringing this issue before the Senate, for pushing it aggressively, and getting, in my judgment, a much better solution to this problem than was achieved in the House of Representatives. I know he shares my view, and I assume the view of everyone in the Senate, that the House will simply take up the Sununu measure and pass it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3466) was agreed to, as follows:

(Purpose: To amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Freedom Act Amendments Act of 2007".

#### SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking "2007" and inserting "2014", and

(2) in section 1104(a)(2)(A) by striking "2007" and inserting "2014".

#### SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following: