

Whereas the members of the "Red Sox Nation" express their immense gratitude to the entire Red Sox team for an inspiring 2007 season and for bringing another world championship title to Boston: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Red Sox for winning the 2007 Major League Baseball World Series and the players, manager, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made this season possible; and

(B) the Colorado Rockies for their extraordinary success during the 2007 season in winning the National League Championship; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Red Sox manager Terry Francona;

(B) Red Sox general manager Theo Epstein;

(C) Red Sox president and chief executive officer Larry Lucchino;

(D) Red Sox principal owner John Henry; and

(E) Red Sox chairman Tom Werner.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3472. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3473. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3474. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3475. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3476. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3477. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3478. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3479. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3480. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3481. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3483. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3484. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3485. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, *supra*.

SA 3486. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3487. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

SA 3488. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 294, *supra*.

SA 3489. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 294, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3472. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 25, between lines 16 and 17, insert the following:

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

SA 3473. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 66, line 10, insert "including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment" before the period.

SA 3474. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FOOD AND BEVERAGE SERVICE.

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

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

(1) reduce the cost of such service; and
(2) increase to likelihood to make a profit in the following fiscal year.

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

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

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

(2) Amtrak submits a credible proposal to Congress and to the Secretary of Transportation for generating food and beverage serv-

ice profits on such rail line for each of the following 5 fiscal years; and

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

SA 3475. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 14, line 25, strike "and" at the end and all that follows through page 15, line 20, and insert the following:

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

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

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

(i) train operations;
(ii) equipment maintenance;
(iii) food service;
(iv) sleeping cars;
(v) ticketing; and
(vi) reservations;

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

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

SA 3476. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 56, strike lines 12 through 17 and insert the following:

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking "plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002." and inserting "plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2007, including the budgetary goals for fiscal years 2007 through 2012."; and

(B) by striking the last sentence and inserting "Amtrak and its Board of Directors shall adopt a long term plan that minimizes the need for Federal operating subsidies."

SA 3477. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 24, line 6, insert "intercity passenger rail service or by" after "served by".

On page 25, strike lines 10 through 16 and insert the following:

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

SA 3478. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which

was ordered to lie on the table; as follows:

At the end add the following:

TITLE V—E-RATE PROTECTION

SEC. 501. PROHIBITION ON USE OF E-RATE FUNDS TO PROVIDE CELL PHONES TO STAFF.

The Federal Communications Commission shall ensure that no funds provided to an elementary school, secondary school, or library for purposes of section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)9B)) are used to provide cell phones to—

- (1) bus drivers;
- (2) janitors;
- (3) school administrators; or
- (4) other such staff employed by the elementary school, secondary school, or library.

SA 3479. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

TITLE V—REPEAL OF CERTAIN COMMUNICATIONS TAXES

SEC. 501. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking “chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33,” and inserting “and chapter 32 (other than the taxes imposed by sections 4064 and 4121).”

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking “section 4251 or”.

(B) Paragraph (2) of section 6302(e) of such Code is amended—

(i) by striking “imposed by—” and all that follows through “with respect to” and inserting “imposed by section 4261 or 4271 with respect to”, and

(ii) by striking “bills rendered or”.

(C) The subsection heading for section 6302(e) of such Code is amended by striking “Communications Services and”.

(3) Section 6415 of such Code is amended by striking “4251, 4261, or 4271” each place it appears and inserting “4261 or 4271”.

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting “or” at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered more than 90 days after the date of the enactment of this Act.

SA 3480. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . ADDITIONAL FINANCIAL REPORTING.

(a) REPORTS.—

(1) IN GENERAL.—Beginning with the first fiscal year beginning after the date of the en-

actment of this Act, Amtrak shall file with the Secretary of Transportation—

(A) not later than 60 days after the end of each fiscal year, an annual report containing the information required by the Securities and Exchange Commission to be included in annual reports under such sections on Form 10-K, as such form may be revised from time to time; and

(B) periodic reports within the time frame and containing the information prescribed in Form 8-K of the Securities and Exchange Commission, as such form may be revised from time to time.

(2) REGISTRANT DEFINED.—As used in the reports required under paragraph (1)—

(A) Amtrak shall be deemed to be the “registrant” described in the forms of the Securities and Exchange Commission; and

(B) references contained in such forms to Securities and Exchange Commission regulations are incorporated in this section by reference.

(3) INTERNAL CONTROL REPORT.—Beginning with the annual report for fiscal year 2010, Amtrak shall comply with the rules prescribed by the Securities and Exchange Commission implementing sections 302 and 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241 and 7262).

(b) FINANCIAL REPORTING.—

(1) IN GENERAL.—The report required under subsection (a)(1)(B) shall include all revenue and expenses associated with rail operations by route, including asset depreciation.

(2) SEGMENT REPORTING.—Beginning with the reports for fiscal year 2010, Amtrak shall include segment reporting in the report required under subsection (a)(1)(A). Amtrak, after consultation with the Secretary of Transportation, shall determine the appropriate segment reporting under this paragraph.

(c) SUPPORTING MATTER.—The Secretary of Transportation shall have access to the audit documentation and any other supporting matter of Amtrak and its independent auditor in connection with any information submitted under this section.

(d) REVISED REQUIREMENTS.—The Secretary of Transportation may initiate proceedings (to be conducted in accordance with regulations that the Secretary shall prescribe) to improve the quality, accuracy, or completeness of Amtrak data required under this section if—

(1) the data have become significantly inaccurate or can be significantly improved; or

(2) the Secretary determines that those revisions are otherwise necessitated by the public interest.

(e) CONFIDENTIAL INFORMATION.—If Amtrak determines that any document or portion of a document, or other matter, provided to the Secretary of Transportation in a nonpublic annex under this section or under subsection (c) contains information that is exempt from public disclosure under section 552(b) of title 5, United States Code, Amtrak shall, at the time of providing such matter to the Secretary, submit written notification to the Secretary of such determination that describes the documents or other matter for which confidentiality is sought and the reasons for such determination.

(f) MONTHLY PERFORMANCE REPORTS.—Amtrak shall include in each monthly performance report—

(1) expenses relating to food and beverage operations, including the cost of meals and food and beverage contractor performance;

(2) expenses relating to non-payroll employees, including post-retirement health care expenses, supplemental executive retirement plans, and performance bonuses; and

(3) depreciation expenses for the capital assets on each passenger rail route.

SA 3481. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 215 and insert the following:

SEC. 215. PROHIBITION ON FINANCIAL GUARANTEES.

(a) IN GENERAL.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Federal Government shall not make any financial guarantee or commitment to amortize Amtrak’s outstanding indebtedness.

(b) SAVINGS PROVISION.—Nothing in this section may be construed to prohibit the Federal Government from honoring any financial guarantee or commitment made by the Federal Government before the date of the enactment of this Act.

SA 3482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 224. PROHIBITION OF FEDERAL SUBSIDIES FOR FOOD AND BEVERAGE SERVICE.

Federal funds may not be used by the National Railroad Passenger Corporation to subsidize food and beverage service on Amtrak trains until Amtrak is in compliance with section 24305(c)(4) of title 49, United States Code.

SA 3483. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 58, lines 3 through 5, strike “its operation of trains funded by the private sector in order to minimize its need for Federal subsidies.” and insert “the operation of trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies.”.

SA 3484. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 97, line 13, insert “host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate,” after “Administration.”.

SA 3485. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 11, between lines 22 and 23, insert the following:

(e) AMTRAK’S MISSION.—

(1) Section 24101 is amended—

(A) by striking “PURPOSE” in the section heading and inserting “MISSION”;

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

“(b) MISSION.—

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

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

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

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

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

“24101. Findings, mission, and goals”.

On page 18, line 7, strike “and”.

On page 18, strike lines 8 and 9 and insert the following:

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

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

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

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

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

SA 3486. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

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

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

SA 3487. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, between lines 2 and 3, insert the following:

“(13) A review of the safety of all public railway-highway grade crossings, including security measures, safety conditions, past accidents, possible safety improvements, and any other factors that the Secretary considers relevant.

SA 3488. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak’s long distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated \$376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak’s long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service. These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001 terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This Act makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak’s long-distance routes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

SA 3489. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 224. PASSENGER RAIL COST STUDY.

(a) IN GENERAL.—The National Railroad Passenger Corporation shall conduct a study to determine the potential cost and economic impact of passenger rail service between Scranton, Pennsylvania and Binghamton, New York.

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

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

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

SEQUENTIAL REFERRAL EXTENSION

Ms. CANTWELL. Madam President, as in executive session, I ask unanimous consent that the sequential referral of the nomination of Julia L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security, to the Committee on Judiciary be extended until November 2, 2007; further that if the nomination is not reported at that time, the nomination then be automatically discharged and placed on the Executive Calendar.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. CANTWELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 255, R. Lyle Laverty to be Assistant Secretary for Fish and Wildlife; that the nomination be confirmed; the motion to reconsider be laid upon the table; the President be immediately notified of the Senate’s action and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE INTERIOR

R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CONGRATULATING THE BOSTON RED SOX

Ms. CANTWELL. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 359, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 359) congratulating the Boston Red Sox on winning the 2007 World Series.

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

Ms. CANTWELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements be printed in the RECORD.