

implementation of menu and vending machine labeling; to the Committee on Health, Education, Labor, and Pensions.

EC-8192. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment, Selection, and Placement (General)" (RIN3206-AL04) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8193. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8194. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8195. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8196. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report for FY 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8197. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8198. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8199. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Bureau of Prisons' compliance with the privatization requirements of the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes (Rept. No. 111-354).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3302. A bill to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. REED, Mr. MENENDEZ, and Mr. WYDEN):

S. 3979. A bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENSIGN:

S. 3980. A bill to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. REID, Ms. STABENOW, Mr. REED, Mr. CASEY, Mr. DURBIN, Mrs. MURRAY, Mr. DODD, Mr. KERRY, Mr. BROWN of Ohio, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. FRANKEN, Mr. ROCKEFELLER, Mr. WYDEN, Mr. WHITEHOUSE, Mr. HARKIN, Mrs. SHAHEEN, and Mr. LEVIN):

S. 3981. A bill to provide for a temporary extension of unemployment insurance provisions; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3982. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH:

S. 3983. A bill to authorize the State of Ohio to reprogram grant funds received for intercity passenger rail service pursuant to title XII of the American Recovery and Reinvestment Act of 2009 for other transportation projects; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. ENZI, Mr. HARKIN, and Mr. BURR):

S. 3984. A bill to amend and extend the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. STABENOW, Mr. BEGICH, Mr. MENENDEZ, and Mr. CASEY):

S. 3985. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; read the first time.

## ADDITIONAL COSPONSORS

S. 510

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and

Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3626

At the request of Mr. FRANKEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3626, a bill to encourage the implementation of thermal energy infrastructure, and for other purposes.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3926

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3926, a bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail.

S. 3935

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3935, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3960

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3960, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 3965

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3965, a bill to amend title XVIII of the Social Security Act to ensure continued access to Medicare for seniors and people with disabilities and to TRICARE for America's military families.

AMENDMENT NO. 4697

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 4697 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4702

At the request of Mr. JOHANNIS, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 4702 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4713

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 4713 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4715

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 4715 proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 3982. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a bill to raise the cap on rail liability in cases of gross negligence. This bill was originally introduced in the House of Representatives by Congressman Elton Gallegly of the 24th District of California, and I thank him for all of his hard work on it.

When Congress passed the Amtrak Reform and Accountability Act in 1997, it included a small provision imposing a strict cap on liability in railroad crashes. The cap is now contained in 49 U.S.C. § 28103 and states that the "aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed \$200,000,000."

What this means is that regardless of the circumstances no matter how many people are killed or injured in a train crash, and no matter what caused the crash total liability for all of the passengers hurt or killed in the crash cannot exceed \$200 million.

The problem is that when a real catastrophe occurs, this number is just not sufficient and there is no way around it.

Let me tell you what happened 2 years ago in California.

On September 12, 2008, a commuter train in Chatsworth, California carrying more than 200 people crashed head-on into a freight train.

The carnage from this crash was unspeakable. Twenty-five people were killed. Their bodies, many torn to pieces, had to be extracted from heaps of steel and wreckage.

Another 101 people were injured. Volunteers and rescue crews worked that day to help pull them from the wreckage. Emergency response agencies transported over 100 people to hospitals. Their injuries ranged from blood in the brain and collapsed lungs to bone fractures, gashes, and scratches.

For some people, the crash was a horrible, harrowing experience, but they have been able to return to the lives they had before.

For others, the families of the 25 people who died and for those who suffered the most serious of injuries, life will never be the same.

According to the final report of the National Transportation Safety Board, NTSB, no unexpected equipment malfunction or weather problem was responsible for this crash.

The National Transportation Safety Board report states: "the probable cause of the September 12, 2008, collision was the failure of the Metrolink engineer to observe and appropriately respond to the red signal because he was engaged in text messaging that distracted him from his duties."

The NTSB found, in other words, that the engineer wasn't paying attention, and he sailed through a red signal, crashing head-on into the freight train. In fact, the report finds that he was so busy texting that he never even hit the brakes.

According to the report, on the day of the crash, the engineer sent 21 text messages, received 20 text messages, and made four outgoing telephone calls while he was driving the train.

NTSB wrote,

the investigation further revealed that this amount of activity was not unusual for this engineer. Wireless records for the 7 days preceding the accident showed that on each workday, the engineer had sent or received text messages or made voice calls during the time he was responsible for operating a train. Two days before the accident, he sent or received about 125 messages during the time he was responsible for operating a train. He had also made phone calls during these periods.

ASTOUNDINGLY, the NTSB found that "the content of all of the engineer's text messages over the previous 7 days, including those during and outside the times the engineer was responsible for operating a train, indicated that the engineer and, a teenage boy, had been coordinating to allow, the teenage boy, to operate, Metrolink, train 111 on the evening of the accident."

Although texting while driving the train was clearly prohibited under the operating rules of Veolia Transportation, who employed and oversaw the engineer under contract with Metrolink, this engineer had been violating these rules habitually and had not been stopped.

The conductor who worked with the engineer on Metrolink train 111 observed him using his cell phone while driving the train a month before the accident. According to NTSB, "He said he spoke to the engineer about it and he later brought the incident to the attention of a supervisor." But the behavior obviously continued.

Bottom line: The report says the engineer wasn't paying attention to the passengers' safety, he was sending text messages on his cell phone, and no one else took action to stop this dangerous behavior. As a result, 25 people died.

This is unbelievable. And it is unacceptable.

Since the Chatsworth Crash, I have worked to improve rail safety. In October 2008, Congress passed and the President signed the "Rail Safety Improvement Act," which included a key provision that I strongly pushed requiring