

I hope the conference would lead to a policy that takes the best parts of both approaches and would be packaged as part of a bill that provided sufficient resources for the commuter railroads to comply with the mandate. We should let that process play out.

We should not rush to pass bad policy on this 3-week extension.

I now want to take a moment to describe something that has disturbed me throughout this entire process.

That is the aggressive stance of the railroad industry.

As we have seen in public, railroads have threatened to stop service for rail passengers around Christmas and stop transporting certain chemicals before that.

Union Pacific's demand letter was the most explicit, acknowledging that "this will cause significant economic disruption for our country," but that it "is in the best interest of our employees and shareholders."

The railroads claim that the fines that will be charged next year by the Federal Railroad Administration would be so draconian that they would be unable to continue operating as railroads.

It is very difficult to believe the government would fine railroads to such an extreme. The government's goal is simply to compel the fastest possible implementation of PTC.

The railroads also say that in the event of a PTC-preventable accident, they would be liable for excessive damages. But as we all know, there is a liability cap for passenger accidents.

And for hazardous materials accidents, the railroads have been shipping chlorine and ammonia for decades. It is offensive that only when a railroad could face full liability for an accident that they find operation without PTC to be unacceptably dangerous.

The railroads' overtly political threats of economic calamity are not constructive. They serve only to create a hysterical atmosphere that prevents meaningful negotiations.

It is entirely inappropriate that the railroad industry would make hostages of America's passenger rail services and chemical shippers in order to secure their favored legislative outcome.

What we are discussing today is a bad proposal. We should be prioritizing public safety. But this House-passed provision does not.

The proper place for this debate is in the long-term transportation reauthorization bill.

It is very unfortunate that this has been attached to a must-pass short term extension of the highway trust fund.

Ms. STABENOW. Mr. President, today's extension of the deadline to fully implement positive train control technology is deeply disappointing. Passing this extension means that our rail system failed to make good on its original deadline, despite having nearly 7 years to do so.

There are many reasons for the failure to meet this deadline, and the re-

sponsibility for this failure is widely shared. The critical bottom line, however, is that positive train control saves lives. And we were tragically reminded of that fact again last May, when the derailment of a speeding train near Philadelphia killed eight passengers, including a wonderful Michigan native, Rachel Jacobs, and injured 200 others. Had positive train control been in place on this section of track, it could have prevented this terrible tragedy.

I understand that today's extension includes concrete milestones, new progress reports, and stronger oversight by the Department of Transportation to ensure positive train control is a reality sooner rather than later. This needs to be a top priority for all of those responsible for getting this done. This extension should not be seen as an excuse to slow progress. We cannot allow any further delays on installing this essential, lifesaving technology.

Mr. BOOKER. Mr. President, as the Senate votes today on a short-term extension of the highway trust fund and an extension of the deadline for positive train control, I rise to discuss the importance of transportation safety and the need for vigorous oversight as both passenger and freight railroads strive to implement this life-saving technology.

Congress passed legislation 7 years ago that gave our Nation's rail carriers until December 31 of this year to fully deploy and implement positive train control, or PTC, on all rail lines that carry passengers or toxic substances. Some railroads have made the investments necessary to make significant progress in meeting this deadline, and others have been slower for a number of reasons, ranging from the costs to the complexity of the technology.

The necessity of quickly implementing PTC took on a renewed urgency in May of this year when Amtrak train 188 derailed in Philadelphia, taking the lives of eight passengers and injuring hundreds more. PTC could have prevented this accident, and I am grateful the Federal Railroad Administration took swift action with Amtrak to improve safety in certain high-risk sections of the Northeast corridor. But more must be done across the country and as soon as possible.

In recent months, with a deadline looming, Members on both sides of the aisle have heard from railroads as well as downstream producers, shippers, and manufacturers who rely on transporting goods by rail. All stakeholders seem to recognize the importance of using new technology to make our railroads safer. What has not had equal consensus is how long it should take for this new technology to be installed and utilized. Recent legislative proposals, including in the Senate-passed DRIVE Act, would have created enforcement loopholes that weaken the tools of Federal safety regulators.

The bipartisan PTC language considered today closes these loopholes and

sets a new implementation deadline of December 31, 2018. Railroads will be required to set up implementation plans with clear benchmarks and timelines that will be enforceable by the Department of Transportation.

In what I hope will be very rare cases in which railroads may need an extension beyond that deadline, a limited period, not to exceed 24 months in total, may be applied should the railroad meet strict criteria. These criteria include having PTC already implemented in the majority of its territories, acquisition of all needed spectrum for implementation, installation of all necessary hardware components, completion of employee trainings, and any additional criteria established by the Secretary.

While railroads and commuter authorities face an immense challenge in implementing PTC, now and always, we must place the safety of our citizens above the fear of difficulties incurred by necessary technological change.

As Congress extends the deadline for this lifesaving technology, we must also extend our oversight and commit to meticulous and thorough review of the ongoing implementation process. We should confirm outstanding nominees, including the nominee for FRA Administrator, who has direct oversight responsibilities over PTC. Congress must also invest more in our Nation's infrastructure and enable railroads to access grants and various funding sources to help implement this technology, as well as other critical safety and state-of-good-repair needs. We should remain diligent in ensuring that critical benchmarks and good-faith efforts to install the technology are being made by industry and, if necessary, take actions to ensure compliance.

I urge my colleagues to stand with me in calling for reasonable and commonsense conditions as we work to ensure every train hauling people and toxic materials in this Nation can operate as safely as possible with new technology.

REGULATING ELECTRONIC CIGARETTES

Mrs. BOXER. Mr. President, it has now been more than 6 years since Congress gave the FDA authority to regulate the tobacco industry, and it is absolutely outrageous that we are still waiting for a final rule that would protect our children from e-cigarettes.

What has happened while we wait? E-cigarette use among middle and high school students tripled last year compared to the year before. That means that as many as 2.5 million children are now experimenting with these dangerous products.

While we are finally making progress in reducing traditional cigarette smoking among young people, the soaring

use of e-cigarettes is putting our children at risk of lifelong addiction to nicotine.

Every day that e-cigarettes continue to go unregulated, more and more children and teens are being exposed to nicotine—which according to the Surgeon General poses health risks for adolescent brain development.

E-cigarettes also contain potentially dangerous chemicals like benzene, cadmium, formaldehyde, propylene glycol, and some of the very same nanoparticles that are in traditional cigarettes according to the California Department of Public Health.

But those chemicals are masked by e-cigarette flavors like bubble gum and gummy bear—which are clearly marketed toward children.

And the industry's dangerous targeting of young people is working. New research published in the Journal of the American Medical Association just this week shows that 81 percent of teens who have ever tried an e-cigarette started with a flavored one—81 percent.

Combine those flavors with TV ads airing during the most popular youth TV shows and Big Tobacco is clearly seeking to lure the next generation into a lifetime of addiction to their products. A study published in the journal “Pediatrics” last year found that youth exposure to television e-cigarette advertisements increased 256 percent from 2011 to 2013.

This is not an accident. Big Tobacco used the same marketing tactics with traditional cigarettes decades ago—until we stopped them. These companies will not stop until millions more are hooked on nicotine.

So what do we do? We need to protect the health of our children by regulating e-cigarettes just like traditional cigarettes.

The administration needs to issue the final FDA rule to regulate e-cigarettes, which is currently at OMB. It has been more than a year and a half since it was first proposed. While this rule may not go as far as I would like, it is a critical first step, and it must be approved immediately.

First, the regulation should ban the sale of e-cigarettes to minors because it is just common sense. Take these dangerous products out of the hands of our children.

Nearly every State already bans sales to minors—it is beyond time the Federal Government makes this the law of the land.

Second, the FDA should subject products to FDA review before they can be marketed.

Third, the FDA should ensure that e-cigarettes are labeled with health warnings.

Fourth, I want the FDA to go even further and ban flavors and marketing tactics that appeal to children—and ban online sales as well.

Now, we have seen some progress in how e-cigarettes are being handled—like the Department of Transpor-

tation's announcement yesterday that it will ban e-cigarettes from checked bags to reduce the risk of fires in flight. But we are still waiting for the final DOT rule prohibiting the use of e-cigarettes on board airplanes—where passengers are subject to the potentially toxic secondhand exposure.

The cost of doing nothing is putting too many lives at risk. The research is clear, and as time goes by, Americans are worried for their health and safety—and parents are worried about the long-term health consequences for our children.

Just listen to what Sondra, from Corona, CA, told me. She says, “I have worked in our local high schools for almost 15 years. The e-cigarettes definitely need to be regulated for people under 18. I am consistently told by students that ‘these are better’ than traditional cigarettes. They don’t realize the harm and the addictive qualities are still present.”

There is no time to lose. We don’t need another public health epidemic just as we have finally started to save lives by reducing cigarette smoking.

I join my colleagues and urge the administration to finalize the pending regulation. We cannot wait another day.

REMEMBERING DR. JIM SAMPSON

Mr. WYDEN. Mr. President, I wish to honor an illustrious individual in both Oregon and the Nation's HIV/AIDS research and treatment community who passed away on October 4 of this year. Dr. Jim Sampson, while born a Georgia southerner, made Portland, OR, his home for the past 36 years. As a father, husband, brother, uncle, and friend, Jim generated an inclusive atmosphere of passion, love, and laughter wherever he went. As a medical doctor and a fervent leader in the fight against HIV/AIDS through research and treatments, Jim brought hope and compassion to his daily interactions with colleagues and patients alike. For Jim, no person or job was too big or too small to embrace.

In 1979, after Jim graduated from Emory University and the Medical College of Georgia, he moved to Portland to become the medical director of the health services division and the HIV/AIDS program at Multnomah County Health Department. At a time when a lack of public education and stigmatization of HIV/AIDS stymied research in America, Jim fought to build a greater understanding of the disease. Because of Jim's desire to see HIV/AIDS prevention and treatment improve through extensive research and because of the way he showed love and hope in his interactions with his patients, Jim helped push the doors open wide in the fight against HIV/AIDS.

Over the years, Jim expanded his involvement in the community and the field of HIV/AIDS research and treatment. He would go on to become the chairman of the Oregon Board of Med-

ical Examiners; cofound the Oregon AIDS taskforce; cofound Art AIDS; and sit as executive director and principal investigator at the Research and Education Group, where Jim and his colleagues conducted clinical research. Jim even managed to find time to serve on the board of trustees for the Portland Institute for Contemporary Art and the Pacific Northwest College of Art. Also, over the past 35 years, both Jim and his husband, Geof Beasley, created an unbelievable Sherwood, OR, garden, Bella Madrona, a place where Jim's love of community, advocacy, and family still live on. The Bella Madrona garden has been nationally and internationally recognized, not only for its remarkable beauty, but as the site for many benefits through the years, including human and animal rights, environmental causes, and the arts.

Jim was a valued and loved leader, a healer, and a family man worthy of emulation. With a full and loving heart and an ambitious mindset, Jim selflessly served Oregon and the Nation. While Jim will be remembered by those whose lives he touched, he will especially be remembered as a loving husband and partner of 47 years to Geof Beasley; dedicated father to daughter Adele; and caring brother to sisters, Miriam Tillman and Elizabeth Martin, and brother, George. I honor the esteemed life and career of Dr. Jim Sampson and thank him for his enduring legacy.

CONGRATULATING THE 40TH ANNIVERSARY OF THE SKANNER NEWS GROUP

Mr. WYDEN. Mr. President, this year marks the 40th anniversary of the Skanner News Group, a renowned print and online news publication that serves African and African-American communities in Portland, OR, and the Northwest.

Since 1975, the Skanner News Group has provided in-depth and essential coverage of its community as it relates to politics, social justice, civil rights, art, and food, all while holding true to its mission statement: “Challenging people to shape a better future now.” The Skanner certainly has been a catalyst for change. In the late 1980s, it was the Skanner's coverage of the debate to rename Union Avenue in Northeast Portland for Martin Luther King Jr. Boulevard that played a crucial role in ensuring the community's request was fulfilled. Whether it is honoring minority-owned businesses or running profiles on the Black Lives Matter movement, the Skanner is there to cover and inform all of us in Portland about the most important issues and topics of our time.

The Skanner's long list of awards is a testament not just to the importance of this publication, but also the quality of its reporting. It has received multiple National Newspaper Publishers Association awards and is a three-time