

For these reasons (and the reasons set forth in our May 8, 2006 submission), we respectfully submit that the DM&E's loan request should be denied. We also reiterate our previous request for the opportunity to meet with you to discuss the merits of our submissions.

Sincerely,

MAYOR ARDELL BREDE,
City of Rochester.
GLENN S. FORBES, M.D.,
*CEO, Mayo Clinic
Rochester.*
JOHN WADE,
*President, Rochester
Area Chamber of
Commerce.*
DENNIS L. HANSON,
*President, Rochester
City Council.*
KENNETH D. BROWN,
*Chair, Olmsted County
Commissioners.*

THE SUM OF ALL FEARS: UNSAFE RAILROAD
PLUS UNSAFE PLAN EQUALS DISASTER
OVERVIEW

The Dakota, Minnesota and Eastern Railroad (DM&E), a regional freight railroad, is seeking a \$2.5 billion loan from the United States government, backed by the American taxpayers, for a major expansion that would allow trains to carry coal and other freight, including hazardous materials, through the heart of downtown Rochester—a few hundred feet from Mayo Clinic—at speeds up to 50 miles per hour. The DM&E refuses to limit the number of trains through Rochester and refuses to restrict the type of cargo it carries through Rochester near Mayo Clinic.

The Secretary of Transportation must consider the effects of such a loan on the public safety and a loan should not be granted to the DM&E because it would expose Rochester and Mayo Clinic to the safety risks inherent in the transportation of hazardous materials by a railroad with long-standing safety problems.

The DM&E has one of the worst safety records of all U.S. railroads:

1. From 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average;
2. During 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average;
3. The DM&E had the second-highest rate of employee casualties among regional freight railroads in 2004 and 2005;
4. During the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and
5. Since 2003, when the Federal Railroad Administration (FRA) loaned DM&E \$233 million, the DM&E's main track accident rate has soared to eight times the national rate—a 75 percent increase over its pre-loan rate.

The U.S. government has repeatedly identified safety problems at the DM&E. In 2002, the DM&E signed an Expedited Consent Agreement with the Environmental Protection Agency (EPA) agreeing to pay a civil penalty and correct violations of federal regulations. In 2005, the Occupational Safety & Health Administration (OSHA) cited and fined the DM&E for serious safety violations. The FRA placed the DM&E under a Safety Compliance Agreement in October 2005.

The DM&E has claimed that its abysmal safety record is the result of old track, but the FRA has rejected that excuse—most recently in its October 2005 Safety Compliance Agreement. During the past six years track defects caused only about one-half of the DM&E's train accidents and track defects

had nothing to do with the company's high rate of accidents at highway-rail crossings or its high rate of employee casualties. New track will not change the company's cavalier attitude toward safety.

In 2003, the FRA entered into a \$233 million loan agreement with the DM&E. Since that time the DM&E's poor safety record has gotten materially worse—not better. There is simply no reason to believe that lending the DM&E another \$2.5 billion would change the result or the company's approach to safety.

Rochester, Minnesota, is home to 40 percent of all the people who live along the DM&E's proposed expansion route. Rochester is also home to Mayo Clinic, one of the world's leading medical centers. Many of Mayo's patient-care facilities are within hundreds of feet of the DM&E's tracks—at ground level. An accident involving the spill of hazardous materials near Mayo Clinic, with its vulnerable patient population, would be disastrous. The safety risks posed by an unsafe railroad transporting hazardous materials at high speeds near a world-renowned medical center should not be subsidized by the U.S. government. It is wrong for a safety organization like the FRA to reward a company for disregarding the safety of the public and its own employees. The American people would be shocked to learn that the U.S. government is considering giving an unsafe railroad one of the largest loans to a private company in the history of the United States of America.

ADDITIONAL STATEMENTS

GLENDALE HIGH SCHOOL
REACHING JUNIOR G8 SUMMIT

• Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of Glendale High School on becoming the U.S. representative at the Junior G8 Summit.

For the first time in 30 years, the annual G8 Summit will include an official exchange between children aged 13 to 17 and G8 leaders. Glendale High School beat out 14 other schools for this once-in-a-lifetime chance to represent the United States at the Summit.

The Junior 8 Youth Forum will provide the participants from all over the world a platform from which they can express their opinions on issues such as infectious diseases, violence, corruption, education, energy, and security. The U.S. team and their international counterparts will meet in order to draft a communique which eight of them will present to the G8 leaders.

These students could not have achieved this memorable accomplishment without tremendous support and encouragement from their dedicated teachers and parents.

I would also recognize team members Shaunt Attarian, Rigo Benitez, Edgar Hernandez, Sergio Maciel, Vianca Montesino, Elaine Panlaqui, Diana Perez, and Kelly Velasquez for their poise and determination in working towards receiving this honor.

All eight team members have spent time and energy for over 6 months preparing to represent the United States with respect and intelligence at this prestigious event. The Glendale High

School Junior G8 team should be commended for their efforts and stand as an inspiration to us all.

Once again, I would like to honor the entire Glendale High School Junior G8 Team on a well-deserved victory. Each of these students holds wonderful promise, and I applaud them for their many achievements. Their futures are bright, and their performance will continue to serve as a model for those who follow in their footsteps.●

CONGRATULATING BALDWIN HIGH
SCHOOL CHEERLEADERS

• Mr. AKAKA. Mr. President, I wish to congratulate the Baldwin High School cheerleading team, from Wailuku, Maui, HI, who on March 25, 2006, won a national title at the National Cheerleaders Association U.S. Championship.

The Baldwin cheerleaders placed first in the small varsity coed division against teams from the Western United States Radford High School, also from my State of Hawaii, was the second place team to Baldwin High School. The Baldwin cheerleaders were then named grand champions for placing highest in the most divisions, beating out 144 other participating teams.

I am proud not only of the impressive achievements but also of the humility and sportsmanship that the team displayed. The team represented the State of Hawaii very well.

I recognize the sacrifices many family members and friends made to support the team. These young men and women would not have been able to enjoy the athletic competitions if it were not for the moral and financial support of their families and community. I applaud these efforts and wish all the players and their families the best in their future endeavors. Finally, I recognize the hard work and dedication of the participants and coaches.

I ask to have printed in the RECORD the team's roster as reported by The Maui News.

The material follows.

Niki Fernandez, Jayme-Lynn Kashiwamura, Cory Manibog, Shawna Matsunaga, Keoni Mawae, Gillian Platt, Tiare Pimental, Sherise Shimabuku, Zeyuna Taberner, Jenna Takushi, Kamala Klask and Lavancia "Anela" Winn
Head Coach JoAnn Yap and Assistant Coach Matt Balangitao●

TRIBUTE TO KATHY A. RUFFING

• Mr. GREGG. Mr. President, I take a moment to recognize someone who has provided invaluable assistance to the Budget Committee for many years. After 25 years of service at the Congressional Budget Office, or CBO, as we call it, Kathy A. Ruffing will be retiring at the end of this month.

During her tenure at CBO, Ms. Ruffing earned a well-deserved reputation for tirelessly producing high-quality analyses on a wide range of topics including interest costs and the Federal debt, Federal pay, immigration,

and Social Security. In particular, Members and their staffs came to depend on Kathy's thorough knowledge of the Social Security Program as they developed proposals for addressing the program's financial status and benefit structure. She also made major contributions to CBO's reports on the economic and budget outlook and the re-estimates of the President's budget. Her analyses always displayed those characteristics of CBO's reports that we in the Congress most value—impartiality, clarity, and comprehensiveness. In fact, Kathy was a principal architect of the formats of many tables on which the Budget Committee has come to rely so heavily.

The Congress will feel the loss of a dedicated public servant who selflessly worked extraordinary hours in helping us advance the legislative process. We will miss Kathy's expertise and counsel.

I know that I speak for all of the Members who have served on the Budget Committees of the House and Senate during the past 25 years and all of our staff when I express our gratitude to Kathy for all of her contributions to the legislative process.●

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2389. An act to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

H.R. 5683. An act to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7585. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the date on which a report on the budgeting of the Department of Defense for the sustainment of key military equipment will be submitted; to the Committee on Armed Services.

EC-7586. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 17, 2006; to the Committee on Armed Services.

EC-7587. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2006-2007 Marketing Year" (Docket No. FV06-985-2 IFR) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis CryIA.105 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8076-5) received on June 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7589. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's 2005 Statement on System of Internal Controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC-7590. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's 92nd Annual Report, which covers the Board's operations for calendar year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-7591. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7592. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the Commonwealth of Massachusetts as a result of the influx of evacuees from

areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7593. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Debt Interest Payment Charges" ((RIN2502-AI41)(FR-4945-F-01)) received on July 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-7594. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project"; to the Committee on Energy and Natural Resources.

EC-7595. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS" (RIN1010-AD23) received on July 18, 2006; to the Committee on Energy and Natural Resources.

EC-7596. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06-155-06-169); to the Committee on Foreign Relations.

EC-7597. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Development Assistance and Child Survival and Health Programs Fund; to the Committee on Foreign Relations.

EC-7598. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Section 589 of the Foreign Operations, Export Financing, and Related Programs Act, 2006 ("the Act") in regards to permitting the continued use of funds appropriated by the Act for assistance to the Government of the Russian Federation; to the Committee on Foreign Relations.

EC-7599. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC-7600. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to a program to be initiated in Nepal by the U.S. Agency for International Development's Office of Transition Initiatives (OTI); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-393. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to urging Congress to support a National Catastrophe