

guiding legislation since 2002, and that was only temporary. With all the challenges facing the traveling public today—high gas prices, long delays at airports, and constant highway congestion—improving our Nation's intercity passenger rail system is an idea whose time has come.

Eight years ago, my wife and I decided we would travel from Washington to Chicago on an overnight train. What a good experience that was. Where I was raised, there was no railroad. But now, 8 years later, people would take the trains, such as we did, more often because of the jamming at our airports and our busy highways, but they simply are not available. Trains offer a fuel-efficient and environmentally sound way to quickly enhance our transportation system, and this bill will improve both the existing Amtrak system and help us develop new rail service in corridors across the country, such as in Nevada, where a high-speed rail corridor is being planned and would connect Las Vegas to southern California.

Despite this progress, some Senators took it upon themselves to prevent the House and Senate from going to conference on this bill in an attempt to kill the legislation. It is hard to comprehend, but that is true.

Thankfully, the sponsors of this bill did not give up when they faced these challenges. Senator LAUTENBERG and Senator HUTCHISON instead began working with the House to put together the combined rail safety and Amtrak legislation, and today we see the fruit of their labor.

This package has been approved by the House by voice vote, with near unanimous support, last Wednesday and is now ready to be sent to President Bush for his signature once the Senate passes it, which I hope we do.

It contains important new safety requirements for our railroads, such as the implementation of positive train control systems, known as PTC systems. These systems can prevent train collisions, such as the terrible crash in California less than a month ago.

This bill ensures the railroad industry adopts this vital technology wherever passenger trains and hazardous cargo shipments travel.

This legislation is supported by the railroads and their workers and was developed working closely with the administration.

Democrats and Republicans, in both the Senate and the House, have made a strong statement that we need to move our Federal rail safety programs and our passenger rail system into the 21st century. I hope we can move forward on this legislation quickly and get it to Senator Bush for his signature.

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2095, the Federal Railroad Safety Improvement Act.

Richard Durbin, Hillary Rodham Clinton, Kay Bailey Hutchison, John Warner, Gordon H. Smith, Olympia J. Snowe, Jim Webb, Jon Tester, Barbara Boxer, Dianne Feinstein, Frank R. Lautenberg, Charles E. Schumer, Thomas R. Carper, John D. Rockefeller, IV, Benjamin L. Cardin, Byron L. Dorgan, Patty Murray, Daniel K. Inouye.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 2095, an act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. McCASKILL), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Illinois, (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent. The Senator from Missouri (Mr. BOND), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

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

The yeas and nays resulted—yeas 69, nays 17, as follows:

[Rollcall Vote No. 209 Leg.]

#### YEAS—69

Akaka	Cornyn	Klobuchar
Alexander	Crapo	Kohl
Baucus	Dodd	Lautenberg
Bayh	Dole	Leahy
Bennett	Domenici	Lieberman
Bingaman	Dorgan	Lincoln
Brown	Durbin	Lugar
Byrd	Feingold	Martinez
Cantwell	Feinstein	McConnell
Cardin	Graham	Menendez
Carper	Grassley	Mikulski
Casey	Hagel	Murkowski
Chambliss	Harkin	Nelson (NE)
Clinton	Hatch	Pryor
Cochran	Hutchison	Reed
Coleman	Inouye	Reid
Collins	Isakson	Roberts
Conrad	Johnson	Salazar
Corker	Kerry	Sanders

Schumer  
Smith  
Snowe  
Specter

Stabenow  
Stevens  
Tester  
Warner

Webb  
Whitehouse  
Wicker  
Wyden

#### NAYS—17

Allard  
Barrasso  
Brownback  
Bunning  
Burr  
Coburn

Craig  
DeMint  
Enzi  
Gregg  
Inhofe  
Kyl

Sessions  
Shelby  
Thune  
Vitter  
Voinovich

#### NOT VOTING—14

Biden  
Bond  
Boxer  
Ensign  
Kennedy

Landrieu  
Levin  
McCain  
McCaskill  
Murray

Nelson (FL)  
Obama  
Rockefeller  
Sununu

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, the House is going to vote in the next half hour on the recovery plan. We are going to attempt this afternoon to get a consent agreement to move so that we will have a 60-vote margin to approve this legislation. We would do that sometime on Wednesday, late in the day.

In the meantime, we are working to see if we can complete an agreement to move and complete the Indian nuclear treaty, also on the same day. That would be Wednesday. I think we are very close to being able to work that out. That would allow all afternoon today, all day on Tuesday, and Wednesday to work on those two items.

Mr. McCONNELL. Will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. McCONNELL. I want to make sure I heard correctly, and my colleagues understand, that we would address the rescue package with a vote Wednesday night? A Wednesday night vote on the rescue package, is that what I heard?

Mr. REID. Yes. We have to make sure it passes the House. I am confident that will be the case. Yes, we will work to see if we can get agreement, both the majority and minority, to have a vote on that sometime Wednesday.

I also say I know there is a lot of anxiety, people wanting us to complete this this afternoon. We pushed things a lot, to a 12:30 vote. Many people wanted a much earlier vote. The holiday starts sundown today which, as I understand it, is around 6 o'clock, quarter to 6, maybe even earlier than that. People have to go home so they can prepare for the holiday.

I know people have said let's go ahead and do this anyway. We cannot do that. This is an important piece of legislation. It would be legislative malpractice for us not to talk about it before we vote on it. I am confident everyone understands that.

The one thing I didn't mention is we are going to have to have a final passage vote on the matter on which cloture was just invoked. We will also do

that on Wednesday. We should be able to complete—if things go well, we should complete all of our work Wednesday. The House is leaving today, so that fairly well limits what we can do. But if anyone has any questions, I will be happy to acknowledge them. We are having a caucus at 1:30 so we can talk to Democrats about this recovery program.

Mr. MCCONNELL. Will the majority leader yield further?

Mr. REID. I am happy to.

Mr. MCCONNELL. It is the majority leader's feeling there simply would be no way to address the rescue package this afternoon before sundown?

Mr. REID. That is right. I do say this will, of course—I could be wrong, but I am very confident there are enough votes to pass this legislation. There will be 60 votes to pass this recovery plan once we get it from the House. That should be in the next several hours. That will give people all the time that they need to talk about it. I do not want to be jammed in that regard. But there is no way we could do it. It is just not fair. This is the Senate where people are supposed to be able to talk. We just can't start voting on something that is costing the country up to \$700 billion without at least advising our constituents why we are voting for or against something of this importance.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I don't want to get into a big debate with the leader about this, but the House of Representatives, of course, is voting today, and they have not had the package any longer than we would have had it today. I know all of this is complicated by the holiday that is beginning at sundown. But this is a matter of extraordinary importance. Both sides realize it is important to the financial future of our country. I did at least want to raise the possibility one more time that maybe there would be some way we can vote on it today.

Mr. REID. Mr. President, the House has had—has been debating this since 8 this morning. That is 5 hours. I just think it is inappropriate for us to have that matter—we will not even get the bill for another couple of hours. I think it is inappropriate for us to charge into this without having had the opportunity to work on it. If it passes the House, I have already said publicly I am confident there are enough votes to pass it in the Senate. I have no doubt that is true.

Everyone should just calm down. I know this is a mad rush, but we make mistakes by rushing into things. There is nothing wrong with our talking about this until Wednesday. That is the day after tomorrow. I think the anxiety of the chairman of the committee who has worked so hard on this—I know he would like to get this done so he can go home and spend some time with his little girls. But I think discretion is the better part of valor. I

don't think it is appropriate, and I don't think we could do it if we wanted to. We have people who are gone because of the holiday. They are gone right now. It is not fair to them. I do not think it is fair to the body generally that we rush into this, with Senators being gone. There is no question the holiday has been announced for more than a year. For some people this is a very important time of the year for them for their religious observance, and I am not going to tell Senators who are already not here because of this that they are going to miss this most important vote.

Mr. DOMENICI. Mr. Leader, I am not on the committee so I am not here with any rush from having written this or having spent time there. I just want to share with you my concerns.

I believe we are in a time situation that is of utmost importance. I believe the next 2 days could see many bad things happen that will be very harmful and irreversible for millions of people. The banking system and banks, financial institutions in the world during the next 3 days, even though they believe you, that we are going to pass this legislation—things can really happen to those that would not happen if we passed this legislation now. I just want to say I understand religious holidays and I understand the significance of the one you are speaking of. But I also believe—I think I understand what is happening out there and what is happening in the world, and 24 hours is enough time for many things to happen; 48 is too long.

Many things will happen which are detrimental and harmful. I urge you once again to repeat that you think we are going to pass this. I think it is important that we instill some confidence that we are going to get a right decision; that the delay is just an interim delay because it is unavoidable, at least you feel that way as leader of the Senate, but that we are going to pass it. If the world doesn't believe that, once the House passes it, a lot of our work will go for naught and a lot of things will happen that are not good. I am sure of that.

Mr. REID. I say to my friend, we have both Presidential candidates finally agree on one thing—we should pass this. Both agree. There are the two leaders, Senator MCCONNELL and I have done what we can to advance this program. I have no doubt that it will pass the Senate. We will wait to see what happens in the House, but I have no doubt it will pass the Senate.

Mr. LEAHY. Will the majority leader yield for a point?

Mr. REID. I am happy to.

Mr. LEAHY. I have seen the vote count. I know it will pass the Senate. But I urge Senators, let's not be stampeded into things without even reading it. Here is a report from the Department of Justice's Inspector General and Office of Professional Responsibility about the investigation into the firing of the U.S. attorneys, one of the

greatest scandals to hit the Department. This came about because we rushed through on a piece of legislation at the last minute. The Administration slipped in a provision that was on the basis of the administration saying: Trust us—and they manipulated it. People eventually may go to jail because of this. Millions of dollars of investigations are going on because of this.

Keep in mind, 10 days ago we were asked to pass something immediately because of the urgency—they told us the world is falling, the sky is falling. That proposal said we would give the Secretary of the Treasury carte blanche to do anything he wants. That proposal said his decisions could not be reviewed by any court, any person, any administrative body, and they insisted that is the only thing—the only thing—the administration could accept.

After it was pointed out by myself and others that meant he could actually write himself a check for \$700 billion and nobody could ask about it, when a number of those things came about, they suddenly realized they could make changes. We sat in a meeting, all the Senators, with the Secretary of the Treasury and Chairman Bernanke, the head of the Federal Reserve. I remember asking a question, a simple question. They went around and around and never answered it. Two days later they finally answered it.

Let's take time to read what we are voting on for the sake of this country, realizing what happened before when we were stampeded into voting for something because the sky was falling.

Mr. SALAZAR. Will the majority leader yield for a question?

Mr. REID. I am happy to yield.

Mr. SALAZAR. I say to the majority leader, only 10 days ago we were asked to give a \$700 billion blank check to the Secretary of the Treasury because the sky was falling. I think the majority leader, working in a bipartisan way, did the right thing in terms of standing up against that stampede that was being brought upon us by the White House. Because of the process that has been underway in a bipartisan way, the blank check is no longer there. There are constraints on this legislation that make it better. But to have the judgment of the Senate, to have us rush to judgment on a \$700 billion rescue package, would be an absolute mistake. I think the majority leader is correct in terms of wanting us to take the time to review this legislation, which none of us have yet seen, to review it through Tuesday, let the Jewish holiday pass, and then come back and take the appropriate steps so we make sure the sound judgment of the Senate is being brought on this legislation.

I am very much in agreement with the majority leader that we should take our time to get it done right.

Mr. REID. Through the Chair to my friend and all Senators, I have indicated what we have left on our plate to do. I hope we can complete that by Wednesday.

There are other things that could come up that may extend the time. We may not be able to finish things on Wednesday. There are things the House is sending over to us today, or not sending to us today, that we may have to act on. I am going to do my very best, working with the Republican leader, to get us out of here on Wednesday, but that is no guarantee. I am going to do the very best we can, but there may be other things that come up that we are forced to work on. Even though the House is gone, certain things they have done, if we decide we have the opportunity to do those, we may have to do some of those things.

I want everyone to know we will do our very best to get out of here sometime Wednesday night, but there is no guarantee on that, so I wouldn't make plans on Thursday to go golfing or anything like that.

#### FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6849, which was received from the House.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6849) to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I rise today in support of H.R. 6849. This important piece of legislation would revise the 2008 farm bill and help thousands of Kentucky farmers.

As many of you may know, the farm bill prohibits producers from receiving certain commodity payments on farms of 10 base acres or less. Unfortunately, Kentucky has the greatest number of farms that will be impacted by this provision. According to the USDA Farm Service Agency and the University of Kentucky, one-fourth of Kentucky's farms are 10 acres or less, which indicates that approximately 20,000 of the Commonwealth's 80,000 farms could be affected by this provision. While I supported the farm bill, I opposed the inclusion of this program in the final legislation.

Last month, I wrote USDA Secretary Ed Schafer to express my concerns regarding USDA's implementation of this provision. I was concerned that USDA had interpreted the law in a way that disqualifies farmers with more than 10 base acres because that land is not located on a single, contiguous tract. As clearly outlined in the Joint Explanatory Statement of the Managers that

accompanied this legislation, Congress intended that USDA allow for aggregation of farms for the purposes of determining the suspension of payments on farms with 10 base acres or less.

H.R. 6849 would remedy this issue by suspending this program for the 2008 crop year. I strongly support this provision since it could lessen the impact on my farmers and will perhaps provide encouragement to USDA to implement this provision in the manner that Congress intended.

Mr. CARDIN. I ask unanimous consent that the Harkin-Chambliss amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements be printed in the RECORD.

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

The amendment (No. 5679) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6849) was read the third time, and passed.

#### ORDER OF PROCEDURE

Mr. CARDIN. I ask unanimous consent that the time during recess count postclosure.

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

#### FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007—Continued

Mr. CARDIN. Mr. President, I am very pleased that the Senate stands poised to approve H.R. 2095, a bill that provides for a new generation of rail safety improvements, the reauthorization of Amtrak, and the critical Federal funding for the Washington Metro system.

All three elements of this legislation are essential to bringing America's rail into the 21st century. There are many reasons we need to do that. We need to do that because it is important for quality of life, we need to do that because it is good for our environment, we need to do that for energy security, we need to do it because it should be an important priority for our Nation.

Now we are ready to move forward. I wished to focus my comments on title VI, which is the National Capital Transportation Amendments, a section that incorporates legislation I sponsored to reinvest in the Washington Metro system.

At the outset, I wish to thank my co-sponsors, Senators MIKULSKI, WARNER, and WEBB. This has been a bipartisan regional effort, where we have worked together in an effort to come up with the right proposal.

I noticed a little earlier today that Congressman TOM DAVIS of Virginia

was on our floor. I wish to acknowledge his hard work on this legislation. He was critically important in getting this legislation through and the strategies in order to be able to accomplish an opportunity to finally vote on this legislation.

Along with my colleagues from Maryland and Virginia, Congressman HOYER was very instrumental, and others. Our collective thanks also go to the chairman and ranking member of the Homeland Security and Government Affairs Committee, Mr. LIEBERMAN and Ms. COLLINS. They were very helpful in moving forward on this bill. I would like to thank also the Commerce Committee, Senator INOUE and Senator STEVENS and Senator SMITH for accommodating the strategies so we could actually vote and pass the bill during this session.

A final word of thanks goes to Senator LAUTENBERG. He has been the champion on Amtrak. He has been the real champion to keep us focused on modernizing Amtrak and how important passenger rail is to our Nation. I wish to thank him for his persistence and for being able to marshal this bill through the Congress of the United States.

The record on the interest of the Federal Government in the Washington metropolitan area and transit goes back to 1952, when Congress directed the National Capital Regional Planning Council to prepare a plan for the movement of goods and people. That plan became the basis for the National Capital Transportation Act of 1960, which clearly states the Federal interests. From that legislation I quote:

That Congress finds that an improved transportation system of the Nation's capital region is essential to the continued and effective performance of the functions of the Government of the United States.

In 1966, Congress created the Washington Metropolitan Area Transit Authority, WMATA, to plan, construct, finance, and operate a rapid rail system for the region. By any measure, Metro has succeeded beyond anyone's expectations. Metro is the second-busiest rapid rail transit system in the Nation, carrying the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia. Metrobus is the fifth most heavily used bus system in the Nation. In all, the Metro system moves 1.2 million passengers a day. In the fiscal year which ended 3 months ago, 215 million trips were taken on Metrorail. That is 7 million more than in 2007.

In fact, 22 of the 25 Metrorail top ridership days have occurred since April of this year. And 133 million trips were taken on Metrobus in fiscal year 2008, which is the highest year total ever, an increase of 1.4 million relative to 2007.

But let me get to the Federal Government for one moment, our responsibility. Federal facilities are located within footsteps of 35 of the Metrorail's 86 stations; that is by design. Nearly