

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

half the Metrorail rush hour riders are Federal employees, nearly 50 percent during peak time are Federal employees.

Approximately 10 percent of Metro's riders use the Metrorail stations at the Pentagon, Capitol South or Union Station. In other words, 10 percent of the ridership is directly related to the Capitol and the Pentagon, obviously our responsibility, serving the military, serving the Congress.

GSA's location policy is to site Federal facilities in close proximity to Metro stations. It is in their RFP. They put it there. They want it to be within walking distances of the Metro. Metrobus is available at virtually every Federal facility. Every weekday, 34,000 bus passengers either arrive or depart from the Pentagon.

Metro is now a mature system and showing signs of age. That is no surprise; 60 percent of Metro's system is now more than 20 years old. The average age of our bus facilities is 60 years. It is time we invest in modernization of these facilities. Today we act to protect the substantial investment the Federal Government and the region have made in an asset designed to serve the Federal workforce and the national capital region.

Metro is the only major public transportation in the country without a substantial dedicated source of funding. The need to address the shortcoming is urgent. That is what this legislation is about. The legislation we, hopefully, will pass will put WMATA on firm footing. The legislation authorizes \$1.5 billion in Federal funds over 10 years. For every Federal dollar, Metro's funding partners in Maryland, Virginia, the District of Columbia will put up an equal match from dedicated funding sources. We finally get the dedicated funding sources Metro needs.

The bill contains important financial safeguards. It establishes an Office of Inspector General for WMATA and expands the board of directors to include Federal Government appointees.

Also included in the bill is a provision that will improve cell phone coverage within the Metro subway system. I am sure that is going to make some of my colleagues happy that their cell phones will work on the Metro. Within 1 year, the 20 busiest rail station platforms will be required to have cell phone access. That requirement will go systemwide within 4 years.

WMATA can charge licensed wireless providers for access. This is a classic win-win situation, providing customers with enhanced service, giving riders an extra level of security in the event of a national or regional emergency, and giving the Transit Authority a much-needed revenue flow.

We have a great opportunity today to advance passenger rail service and safety in America, and transit in the Nation's Capital. Today, the Senate is taking a major step in putting Metro back on track. That is good for Washington, that is good for America and I

thank my colleagues and I urge them to support the final passage of this legislation.

Mr. WARNER. Would the Senator yield?

Mr. CARDIN. I would be happy to yield to Senator WARNER, who has been the real champion on this issue. I mentioned earlier in my remarks the tremendous leadership that Senator WARNER provided in not only supporting this legislation and what he has done as far as regional issues in Washington but figuring a strategy so we could reach this moment. I congratulate him.

Mr. WARNER. I was simply going to rise to say that the portion of the legislation we voted upon relating to the Metro is derivative of your regulation which you, and I was privileged to be a cosponsor, Senator WEBB was a cosponsor, Senator MIKULSKI, the four of us put in. So although it may not be the exact bill number, it is, in fact, building on the foundation you laid.

I thank you very much for that, as do all our colleagues, every one of whom have people who utilize this system, the whole Federal Government.

But the important thing is, the District of Columbia can look to the Senators from Maryland, Virginia, and indeed the Members of the Congress and the House of Representatives, from time to time, to serve its interests. This is one which is very important, if not vital, to our Nation's Capital. I compliment the Senator for his leadership. As I leave the Senate, whatever modest mantle I have in this area, I convey to you and to Senator WEBB and Senator MIKULSKI.

Mr. CARDIN. Senator, you have been an inspiration to all of us on these issues and a model for how we should work together on regional issues. I congratulate you for a great record in the Senate.

Mr. WARNER. Thank you. I have been a lucky man.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

TRIBUTE TO JOHN WARNER

Mr. CARPER. I say to my leader, from my days as a naval flight officer, how privileged I have been having served in Southeast Asia, to serve under his leadership when he was Secretary of the Navy and I was a young naval flight officer, pleased to serve under his leadership then, and delighted to be able to follow his leadership here again today on the important legislation we have been voting and debating here.

I wish to comment on what Senator CARDIN said. You provided an example for us. You provided an example for us how we are supposed to treat other people. You treat other people the way you wish to be treated. You are an embodiment of the Golden Rule.

If you look in the Bible, it talks about the two great commandments. The second one is to love thy neighbor as thyself; treat other people the way you want to be treated. You certainly embody that. I, personally, am going to

miss you. I know a lot of others are as well.

You talk about passing the mantle to Senator CARDIN. Your mantle is so heavy, it is amazing to me you can even walk around, all you have done and all you have accomplished.

But you are the best. It has been an honor to serve with you, again, here in this capacity.

Mr. WARNER. Mr. President, I thank my good friend and colleague from Delaware. You mentioned naval aviation. It requires an extraordinary person to go into that program to fly those aircraft. I believe yours was a P-2; was it not?

Mr. CARPER. It was a P-3.

Mr. WARNER. I remember that airplane. It flew many missions. Your primary mission was watching the Soviets, I repeat the Soviet Navy, and its submarines operating off the shore and was vital to our security, to track and know where those submarines were because they had missile armaments which could inflict great harm on this country.

So I commend you, sir, for your service and I humbly thank you for your remarks.

Mr. CARPER. Mr. President, I would like to talk a little bit about the legislation Senator WARNER, Senator CARDIN, Senator LAUTENBERG, and others have crafted. It has been described as legislation that will accomplish three things: One, to eventually provide better transit service for folks in this part of the country, to help—whether you happen to work here, live here or visit here, the opportunity in years ahead, to get out of our cars, trucks and vans, leave them wherever they are, at home, in the parking lot or at work and take transit.

It will help the quality of our air. It will help reduce congestion in this part of our country. It will reduce our reliance on foreign oil. It works on all different kinds of levels.

I know Senator WARNER has done good work, along with Senators CARDIN and MIKULSKI and Senator WEBB. I also wished to say to Senator LAUTENBERG how much I appreciate his leadership in crafting the legislation, the Amtrak legislation, the rail safety legislation that is before us today.

On the rail safety legislation, this is the first time in 10 years that we have actually come back and taken up a major reform of rail safety. The legislation provides some money—about \$1.5 billion—for rail safety programs over the next 5 years.

The best thing it does is with respect to something called positive train control systems. A terrible accident, a commuter train and freight train accident out in California earlier this month, could have been prevented had those trains been fitted with—especially, the commuter rail train—a positive train control system. This legislation requires the installation of that kind of system in all trains by the year 2015. I would argue that it should be

sooner. My hope is it will be in a number of trains before that date, but it should be on all trains by that date. In the situation in California, apparently the engineer may have been text messaging and missed a stop signal, ran the stop signal and ran right into a freight train, killed a lot of people, including him. Had we had this positive train control system in place, all that damage and heartache would have been spared.

Another major provision of this legislation on the rail safety side deals with hours of service. I used to think we flew a lot of hours. I spent a lot of time when I was on Active Duty in the Navy. People who work on trains spend a lot of time operating the trains as well. Currently, they are able to work up to 400 hours per month. Under current law, they are allowed to work up to 400 hundred hours per month compared to about 100 hours for commercial airline pilots. This legislation drops that limit by about a third, down to around 275 hours per month. That is still a lot of hours to work in a month but better than what they had been working with for years.

The last piece I want to mention on rail safety deals with the highway-rail grade crossing. This is a case where you don't have a rail overpass or a road going under a railroad bridge but a situation where you have the rail and the highway meeting at the same level. This legislation requires the 10 States with the most highway-rail grade crossing collisions to develop plans to address the problem within a year of enactment. It also requires each railroad to submit information to an inventory of highway-rail crossings, including information about warning devices and signage.

In short, this legislation is going to save lives. It is going to save money. It is going to provide a much better situation for people who are running and operating trains, people who are traveling on trains, and for those of us who are driving around in our cars, trucks, and vans, trying to get across a rail crossing.

Next I would like to turn to Amtrak, an issue that is near and dear to my heart. In our State, we have a lot of folks who take the train. Amtrak has a train station in Wilmington, DE, and that train station is about the 11th or 12th busiest in the country. A lot of people depend on Amtrak in my State, as they do up and down the Northeast corridor.

I used to serve on the Amtrak board of directors when I was Governor of Delaware. I rode Amtrak as a passenger. As someone who represents a State where we do a lot of repairs on locomotives, we do a lot of the repair work on the passenger and dining cars and so forth, I wanted to talk in sort of broad terms about this legislation.

Mr. President, what is the situation with the time?

The PRESIDING OFFICER. The Senate has an order to recess at 1:30.

Mr. CARPER. In that case, we better recess. I will have the opportunity later to pick up my remarks and talk about the Amtrak provisions in this bill.

I thank the Chair.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:30.

Thereupon, at 1:33 p.m., the Senate recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. TESTER.)

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO SENATORS

Mr. WEBB. Mr. President, I know this afternoon at some point the majority leader intends to speak about the service of a number of the Members of this body who are going to be retiring at the end of the year. But seeing that people are elsewhere right now, I thought I might seize this moment and say a few words about two of my Republican colleagues with whom I have had long relationships, and both of whom I respect a great deal, and to wish both of them success as they leave this body.

SENATOR JOHN WARNER

The first is Senator John Warner. Right now, with the situation facing this country, we are in more turmoil, we are facing greater problems than at any time, probably, since the combination of the Great Depression and the end of World War II. We need people who are willing to work to solve the problems of this country rather than simply falling back into partisan rhetoric or simple party loyalties.

I think it can fairly be said that throughout his lifetime of service, and particularly his service in politics, there is one thing everyone can agree on about JOHN WARNER: He has always put the interests of the people of Virginia and the people of this country ahead of political party. He has been very clear at different times that he and I are in different parties. But this is an individual who has served this body with great wisdom and a deeply ingrained sense of fairness, and someone who has the temperament and the moral courage of a great leader.

Our senior Senator has a history and a family heritage involving public service. If you go into Senator WARNER's office, you will see a picture of a great-uncle who lost his arm serving in the War Between the States. His father was an Army doctor who participated in some of the most difficult campaigns of World War I. Senator WARNER himself enlisted at the age of 17 in the Navy toward the end of World War II and was able to take advantage of the GI bill to go to college. Then when the Korean war came about, he joined the Marine Corps, went to Korea as an officer of marines, and, in fact, remained as a member of the Marine Corps Reserve for some period of time.

He, as most of us know, gave great service in a civilian capacity in the Pentagon. He had more than 5 years in the Pentagon, first as Under Secretary of the Navy, and then as Secretary of the Navy, and after leaving as Secretary of the Navy, was the official responsible for putting together our bicentennial celebrations in 1976.

I first came to know JOHN WARNER my last year in the Marine Corps when I was a 25-year-old captain and was assigned, after having served in Vietnam, as a member of the Secretary of the Navy's staff. JOHN WARNER was the Under Secretary at the time. John Chafee—later also to serve in this body—was the Secretary. Then, toward the end of my time in the Marine Corps, JOHN WARNER was the Secretary of the Navy and, in fact, retired me from the Marine Corps in front of his desk when he was Secretary of the Navy. I have been privileged to know him since that time.

I was privileged to follow him in the Pentagon, when I spent 5 years in the Pentagon and also was able to serve as Secretary of the Navy.

Shortly after I was elected to this body, Senator WARNER and I sat down and worked out a relationship that I think, hopefully, can serve as a model for people who want to serve the country and solve the problems that exist, even if they are on different sides of this Chamber. We figured out what we were not going to agree upon, and then we figured out what we were going to be able to agree upon. I think it is a model of bipartisan cooperation on a wide range of issues, ranging from the nomination of Federal judges, to critical infrastructure projects in the Commonwealth of Virginia, to issues facing our men and women in uniform, to issues of national policy.

It has been a great inspiration for me, it has been a great privilege for me to be able to work with Senator WARNER over these past 2 years.

Last week was a good example of how bipartisan cooperation, looking to the common good, can bring about good results when Judge Anthony Trenga made it through the confirmation process, an individual whom Senator WARNER and I had interviewed and jointly recommended both to the White House and to the Judiciary Committee.