

for the Assistant Secretaries (Financial Management and Comptroller) in the Departments of the Army, Navy, and Air Force. By downgrading these financial management positions, we believe that S. 679 will erode civilian control of the military with regard to resources. Each of the military departments manages huge amounts of federal dollars, ranging from \$166 billion to \$216 billion in FY 2012. These sums far exceed the funding for any non-defense federal agency. In the military services, these dollars are managed by the most senior military officers, and the Service Secretaries need to have a Senate-confirmed political appointee to provide appropriate civilian control. This legislation would be a significant step back from the landmark Goldwater-Nichols legislation, which sought to increase civilian control of the military.

We also believe that downgrading these three Assistant Secretary positions is inappropriate in view of the focus being placed on improving financial management and achieving auditable financial statements. Congress has established a deadline for achieving auditable financials in each military department and has indicated a strong desire to have the departments comply. The three departmental Assistant Secretaries have the lead responsibility for this challenging task. Downgrading the positions may well slow down efforts to achieve auditable financial statements, an outcome that seems to contradict Congressional priorities.

Overall, the Assistant Secretaries have substantial policy making authority over key aspects of defense financial management. For all these reasons, we believe that the three Assistant Secretaries should remain as Senate-confirmed political appointees.

Mr. CORNYN. I yield the floor and 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. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, Thursday, June 23, the Senate resume consideration of S. 679; that the Vitter amendment No. 499 regarding czars and the DeMint amendment No. 510 regarding Bureau of Justice Statistics be debated concurrently; that there be up to 30 minutes of debate with Senators VITTER, DEMINT, REID or designee and MCCONNELL or designee, each controlling 7½ minutes; that upon the use or yielding back of time the Senate proceed to vote in relation to the Vitter amendment and the DeMint amendment in that order; that there be no amendments, motions, or points of order in order to either amendment prior to the votes other than budget points of order on each and the applicable motions to waive; further, that the motions to reconsider be considered made and laid upon the table; finally, that provisions of the previous order regarding amendments remain in effect.

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

MORNING BUSINESS

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL B. COOK

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to honor the life of SPC Michael B. Cook, who died on June 6, 2011, from injuries sustained from indirect rocket fire in Baghdad, Iraq, while supporting Operation New Dawn. He gave his life in service to his country on his 27th birthday. Michael was assigned to the B Battery, 1st Battalion, 7th Field Artillery Regiment, 1st Infantry Division, based at Fort Riley, KS.

Growing up in the towns of Pelham and Salem, NH, Michael graduated from Salem High School in 2003. He enlisted as a way to pay for his education and serve his country. Like so many brave sons and daughters of New Hampshire, Michael sought to serve his country and did so with honor. Tragically, Michael is the fifth Salem High School graduate killed in action in the war on terror, and the third from his class.

Michael is remembered by his family as a devoted father and son. Friends described him as hardworking and dedicated to the service of others. It was therefore no surprise when he answered the call to serve his country and protect his fellow Americans.

While no words can diminish the loss of this brave New Hampshire son, I hope his family can find comfort in knowing that all Americans appreciate and respect his heroic service and sacrifice.

Michael is survived by his wife Samantha and their two children, Hailee and Michael at Fort Riley, KS, and his parents Patti and Michael B. Cook Sr., and his siblings Lucas and Kimberly of Salem, NH. He also leaves behind a caring extended family and many dear friends. He will be missed by all.

I ask my colleagues and all Americans to join me in honoring the life, service, and sacrifice of SPC Michael B. Cook.

JUNE 22, 2009, METRORAIL TRAGEDY

Mr. CARDIN. Mr. President, 2 years ago today the Washington Metropolitan Area Transit Authority experienced the most tragic metrorail accident the Greater Washington region has ever seen. With time, the wounds of this tragedy's survivors continue to heal, but the loss and pain will never be forgotten. My heart goes out to the families and loved ones of those who lost their lives in the tragic collision of two Metro trains on the Red Line at the Fort Totten metrorail station. My deepest sympathies remain with their families and friends whose lives will forever be affected having lost someone dear to them in this tragedy.

Last summer, the National Transportation Safety Board, NTSB, and the

Federal Transit Administration, FTA, concluded their investigations into the crash. The investigations revealed many troubling findings with the operation, maintenance, and management of the metrorail system, not the least of which is that the June 22, 2009, crash was entirely preventable and resulted from systemic failures to address ongoing track signal problems and a work culture that ignored safety.

For several years WMATA failed to respond to or take adequate operational safety measures in response to repeated signal failures along the section of track where the accident occurred. During WMATA's efforts to fix the problem, Metro refused to heed warnings from the signal manufacturers about using third-party components to repair failed track signal equipment and in doing so prolonged and exacerbated the signal relay problems on the track.

These findings coupled with an extensive Federal Transit Administration safety audit that revealed several shocking systemwide safety lapses, which include systemic failures to notify train operators about the presence of track maintenance workers on the right-of-way in tunnels throughout the system, helped shed light on the inexcusable and tragic series of accidents that have taken 12 lives and injured more than 80 people in the last year.

I am pleased to say that under new leadership in the general manager and CEO position as well as the placement of several new members of the board of directors that Metro is working hard to resolve the safety issues that were becoming commonplace in the headlines of area newspapers. Metro's new comprehensive safety plan outlines a number of procedures that are being put in place to improve worker training and safety preparedness and a zero tolerance policy for texting and cell phone use by vehicle operators. According to the general manager, every Metro employee, including himself, has gone through the safety training program. Management is clearly making an effort to establish a culture of safety that has been absent at Metro for many years. These are important steps in the right direction but developing safety measures for employees to follow is just one piece of making Metro safer for years to come.

There are, however, encouraging and lasting developments at Metro to improve safety. A year ago, the Metro board of directors announced that it was placing an order for 428 new 7000 Series railcars. These new safer railcars are in the prototype development phase and when the order is fulfilled, all of the remaining 1000 series that have been in use since the system opened in 1976 will finally be replaced. The 1000 series cars have always presented a safety hazard and it is the 1000 series cars that buckled and sheared apart on June 22, 2009, compounding the seriousness and costliness of the Red Line crash. Retiring and replacing

these cars is a major step in the right direction towards improving the safety of the system.

It is also worth noting that for the first time Metrorail cars will be built here in the United States at a rail car manufacturing facility in Lincoln, NE.

Still, funding shortfalls hinder Metro's ability to make lasting infrastructure repairs and replacements throughout the system. I have visited the Shady Grove Station and witnessed firsthand how they literally are using wood planks and iron rods to prop up crumbling station platforms. Metro is forced to make improvised accommodations to keep the system running in the safest way possible on a diminished budget.

Seeing these unaddressed safety issues firsthand, combined with each passing revelation of management missteps and safety lapses, has grown my frustration with how Metro handles safety issues, but has also hardened my resolve to improve Metro safety.

On this somber day of remembrance we as Federal policymakers and the Washington Metropolitan Area Transit Authority need to take inspiration from this tragedy and remember our responsibility to work to improve the safety of the transit system that serves Greater Washington area residents, tens of thousands of Federal workers, and members of the staff of nearly every Senator in this body every day.

Last year's Metro tragedy has caused many of us, including the President, to address the safety crisis that looms at transit authorities across the country. I am confident that we will find a way forward through: increased Federal regulatory authority and oversight, as called for by the Federal Transit Administration; and increased openness and transparency at WMATA.

While the FTA has an established national transit safety program and is responsible for setting minimum program safety requirements for the States, the FTA is prohibited by law from establishing enforceable national safety standards, requiring Federal inspections, or dictating operating practices. In response to this lapse in public safety policy, last Congress Senators DODD, MENENDEZ, MIKULSKI, and I introduced legislation requiring the Transportation Secretary to establish and implement a comprehensive transit public transportation safety program. Our legislation from last year would have given the FTA the ability to take decisive actions such as conducting inspections, investigations, audits, and examinations of federally funded public transportation systems.

It makes sense for public transit systems that receive Federal funding to meet Federal safety requirements set by the FTA. It makes even more sense to grant FTA a degree of Federal authority to establish safety guidance over WMATA given Metro's unique relationship to the Federal Government.

The Washington metrorail system is the second busiest subway system in

America, carrying as many as 1 million passengers a day. It carries the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia each day.

Every workday, Metro provides tens of thousands of Federal employees rides to work. During peak ridership, more than 40 percent of riders on Metro are Federal employees and 10 percent of the overall ridership serves Congress and the Pentagon alone. Metrorail's alignment was designed to serve the Federal Government, with more than half of the system's stations located at or near Federal buildings. GSA has also established guidance that requires all new Federal facilities in the Greater Washington area be metrorail accessible.

Traffic congestion in the DC metropolitan area is tied with Chicago for the worst in the Nation. Some may wonder how, or even if, Washington could function without Metro. Sure enough, in the winter of 2010 we learned that the Federal Government, in fact, cannot function without Metro. The Office of Personnel Management based its decision to shut down the Federal Government on WMATA's inability to operate above ground rail lines during the February snowstorms. This not only points out the Federal Government's reliance on Metro, but also highlights Metro's lack of resources to operate under weather conditions that other city transit systems like Chicago, New York, or Boston manage to do so.

More than three decades after the first trains started running, the system is showing severe signs of its age. Sixty percent of the Metrorail system is more than 20 years old. The costs of operations, maintenance, and rehabilitation are tremendous.

It is not just the responsibility of the local jurisdictions that are served by Metro—Maryland, Virginia, and Washington, DC—but it is also a Federal responsibility.

Just like I believe that the Federal Government has a role in ensuring the safety of Metro for its riders and employees, I also believe the Federal Government has a responsibility to help fund the safe operation of the system since Metro provides the Federal Government and its employees vital transportation service.

I was proud to work alongside Senator BARBARA MIKULSKI and Senator JIM WEBB and former Senator John Warner to pass the Federal Rail Safety Improvement Act, which was signed into law in October 2008. This law authorizes \$1.5 billion over 10 years in Federal funds for Metro's governing Washington Metropolitan Area Transportation Authority, matched dollar for dollar by the local jurisdictions, for capital improvements. This arrangement will finally provide Metro with the dedicated funding the system needs.

President Obama's fiscal year 2011 and 2012 budget requests to Congress

included \$150 million for Metro. This builds on the substantial down payment Senators MIKULSKI, WEBB, MARK WARNER, and I were able to secure for Metro in fiscal year 2010, and with the intrepid support of Chairmen MURRAY and INOUE we were able to secure this essential funding for Metro again in fiscal year 2011.

While these are important investments, it is not nearly enough to fulfill all of Metrorail's obligations. Metro maintains a list of ready-to-go projects totaling about \$530 million and \$11 billion in capital funding needs over the next decade.

Federal Transit Administrator Peter Rogoff, in testimony before the House Oversight and Government Reform Committee, made special note of the fact that WMATA does not have a dedicated revenue stream, rather it relies heavily on congressional appropriations which can fluctuate from year to year.

Fortunately, Congress has taken an important step forward to remedy this situation. The Senate recently passed a new Metro Compact further advancing the final step in authorizing a 10-year \$1.5 billion authorization providing Metro with a dedicated funding stream to ensure the safe and efficient operation of the system.

For years, while Metro was a relatively new transit system, Metro was the epitome of safe, reliable, and modern public transit. After 35 years of operation, the results of placing disproportionate resources towards expanding the system rather than attending to growing repairs and maintenance needs of the existing infrastructure, Metro's age is beginning to take its toll on the safe operation and functionality of the system.

I am hopeful that with the opportunities we have to establish better and more consistent funding for Metro, improved and enforceable Federal safety requirements for transit systems across the country, and the establishment of firm, accountable, and transparent leadership at WMATA we will restore the public standing and reputation of "America's Subway System" as one of the safest and most reliable transit systems in the country.

I find it unacceptable that the transit system in our Nation's Capital does not have enough resources to improve safety and upgrade its aging infrastructure.

I would again like to extend my deepest sympathies to all those who were affected by this horrific accident, especially to the families and loved ones of those who have been killed on Metro. I hope my colleagues will join together with me in working to ensure that this body is doing everything it can to prevent similar tragedies in the future.

JOINT COMMITTEE ON THE
LIBRARY RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, on May 22, 2011, the Joint Committee on