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penses of the northeast Rail Corporation established in title IV.

Section 205—Makes inapplicable to transactions under the bill the Interstate Commerce Act and other laws which are inconsistent with the provisions of the bill.

TITLE III—NORTHEAST REGIONAL RAIL SYSTEM

Sections 301 through 303—Establish procedure for the preparation within 120 days after the enactment of the bill of a report on Core rail service for the northeast region. After the preparation of a preliminary report by the Secretary of Transportation, a new Planning Office to be established in the Interstate Commerce Commission would hold hearings on the report and submit its recommendations thereon to the Secretary and the ICC Chairman who would prepare a final report. The Chairman of the Association would settle disagreements by the Secretary and ICC Chairman as to the content of the final report.

Section 304—Provides for the inventory of rail facilities in the northeast region.

Sections 305 through 309—Establish procedure for the preparation of a service plan for the northeast region outlining the details for the operation of rail services. Within 300 days after the enactment of the bill, the executive committee of the association would prepare a preliminary service plan. Thereafter, the ICC would hold informal hearings on the plan and submit its recommendations thereon back to the executive committee. The executive committee would then prepare a final plan for the approval of the full board of directors of the Association. Thereafter, the Congress would be afforded the opportunity to reject the plan. If both Houses of Congress failed to reject the plan within 30 days after its receipt, the plan would be deemed approved. During the time prescribed for the preparation of the service plan, the Chairman of the Association would negotiate agreements, on behalf of the Northeast Rail Corporation and in a manner consistent with the service plan, (1) with bankrupt railroads for the acquisition of rail assets in return for stock of the Corporation; (2) with representatives of railroad employees to be hired by the corporation; (3) with financial institutions for financial assistance needed for plant improvement; and (4) with the National Railroad Passenger Corporation and commuter agencies for the continuation of rail passenger service provided by these entities.

TITLE IV—NORTHEAST RAIL CORPORATION

Section 401 through 403 establish a for-profit Northeast Rail Corporation to operate or contract for the operation of rail service consistent with the provisions of the bill and to create additional corporations to operate such service as provided by the service plan.

TITLE V—COURT REVIEW AND IMPLEMENTATION OF SERVICE PLAN

Section 501—Provides for court review of the agreements negotiated by the Chairman of the Association under which the Corporation would acquire the assets of railroads in reorganization. It establishes procedure for the consolidation of such actions in a single district court and precludes further court review of its decisions. The principle issue before the court under this section would be whether the agreements are in the best interests of the debtor's estate.

Section 502—Calls upon the executive committee of the Association to determine whether the court decisions under section 501 would permit the implementation of a viable service plan and, if so, for the Corporation to begin or provide for the beginning of rail service within 60 days.

Section 503—Precludes court review of actions under the bill by the Secretary, the ICC, or the Association.

TITLE VI—DISCONTINUANCE OF SERVICE

Sections 601 through 603—Establish special procedures for the discontinuance of

service and the abandonment of lines by railroads which transfer assets to the Corporation and by the Corporation itself during its first two years of operations. The procedures insure that State and local governments and others will have the opportunity to purchase the lines for rail purposes or contract for the continuation of rail services thereon on terms and conditions that would insure that the railroad does not incur any losses as a result of the provision of the service.

TITLE VII—LOCAL RAIL SERVICE ACT OF 1973

Sections 701-702—These sections establish a new program to be administered by the Secretary of Transportation. The Secretary would be authorized to obligate the United States to pay 70 per centum of the cost of subsidizing railroad deficit operations on lines which, in the absence of the subsidy, would be abandoned either under the provisions of this act or the Interstate Commerce Act. In order to preserve rail service on a line to be abandoned, a State, local or regional authority must contract with either the Corporation or a railroad for the continuation of services. The State, local or regional authority would be obligated to pay the railroad for the losses sustained, but the Secretary would be authorized to reimburse the State, local or regional authority for 70 per centum of its obligation.

Title VII is Nationwide in scope. It is designed to provide a viable alternative to States, localities and regional authorities who would lose rail service via abandonment in the absence of a program for subsidizing the service. The criteria used by the Secretary in deciding whether to reimburse a State, local or regional authority for 70 per centum of its subsidy cost would be promulgated by the Secretary pursuant to statutory guidelines set forth in the title.

TITLE VIII—NORTHEAST RAIL INDUSTRIAL RELATIONS COMMISSION

Section 801—Creates a Northeast Rail Industrial Relations Commission composed of seven presidential appointees, two of which would be representatives of railroad labor and two of which would be representatives of railroad management.

Section 802—Outlines the following functions of the Commission: (1) to assist the chairman of the association (acting on behalf of the Corporation) and the representatives of railroad employees to be hired by the Corporation to reach a new working agreement; and (2) to formulate and submit to the President and the Congress recommendations respecting appropriate benefits to be afforded to employees of railroads in reorganization who are not to be hired by the Corporation.

Section 803—Contains administrative provisions applicable to the operations of the Commission.

Section 804—Requires the President to approve, reject, or modify the recommendations contained in the Commission's report and thereafter to submit to the Congress a report of such action together with such recommendations as to related legislation as he deems necessary.

TITLE IX—MISCELLANEOUS

This title contains provisions on separability, audit, and a provision permitting nondiscriminatory State and local taxation.

REFORM OF CONGRESSIONAL PROCEDURES—AMENDMENT

AMENDMENT NO. 457

(Ordered to be printed and referred to the Committee on Government Operations.)

Mr. JAVITS (for himself and Mr. MONDALE) submitted an amendment intended to be proposed by them jointly to the bill (S. 1541) to provide for the reform of congressional expenditures and the na-

tional debt; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes.

Mr. JAVITS. Mr. President, I introduce for myself and Mr. MONDALE as an amendment to S. 1541, the "Congressional Budgetary Procedures Act of 1973," now before the Committee on Government Operations, my proposal for the establishment of an Office of Goals and Priorities Analysis.

This proposal was included by me in December 1969 as a part of S. 5, a bill sponsored by Senator MONDALE, principally for the establishment of a Council of Social Advisers.

It was passed by the Senate as a part of S. 5 on September 10, 1970, and September 5, 1972, and is included in S. 5 as reported by the Committee on Labor and Public Welfare on June 18, 1973, and now under consideration by the full Senate. Under the proposal there would be established in the Congress an independent and autonomous unit which would be responsible for submitting an annual report to the Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. The national priorities report would include, but not be limited to:

First, an analysis, in terms of national priorities of the program in the annual budget submitted by the President.

Second, an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities.

Third, recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

Mr. President, events have now established suitable framework for this proposal. It is an idea whose time has come.

We had a Joint Committee on Budget Control headed by the Senator from Arkansas (Mr. McCLELLAN).

We were appalled by the inability to put on and administer a ceiling on the budget ourselves. It was reported—and while I differ with some of it, on the whole it was an admirable effort to begin to deal with that question.

At that point, a legislative standing committee—the Government Operations Committee—on which I serve quite properly, to implement those recommendations.

The Committee on Government Operations is now considering legislation to implement the recommendations—S. 1541, the Congressional Budgetary Procedures Act of 1973—as it is being reported from the Subcommittee on Budgeting, Management, and Expenditures on which Senator METCALF is the chairman and the ranking member is the Senator from Ohio (Mr. SAXBE).

Mr. President, the Committee on Labor and Public Welfare report on S. 5 states:

The Committee recognizes that the Joint Study Committee on Budget Contract established by Public Law 92-599 (October 27, 1972) has recommended the creation of

House and Senate Committees on the Budget with a joint staff, and that these Committees could perform many of the functions envisioned for the Office of Goals and Priorities Analysis under Title II. Legislation to implement the Joint Study Committee's recommendations and similar initiatives are now being considered by the Senate Committee on Government Operations and by the appropriate committees in the House.

In connection with the Senate's consideration of S. 5, the Committee will work with members of these and other concerned committees and joint committees to ensure that Title II is reviewed in light of these and other related developments.

To that end, I have consulted with the chairman and the ranking minority members of the Committee on Government Operations and of the Subcommittee on Budgeting, Management, and Expenditures, as well as with Senator MONDALE, and I am taking title II out of S. 5 and introducing title II as amended as an amendment to S. 1541, the Congressional Budget Procedures Act of 1973, to be further considered by the Committee on Government Operations, having already been approved by the Committee on Labor and Public Welfare, today.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD excerpts from the report of the Senate Committee on Labor and Public Welfare (93-324) regarding title II, including an explanation of needs, testimony before the Committee on Labor and Public Welfare, as well as a section-by-section analysis of this title II.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REPORT OF SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

Title II.—While the Council of Social Advisers is designed as an agent of the White House, dealing with the general social health of the Nation, the Office of Goals and Priorities Analysis would be an arm of the Congress, serving it in its examination of budget proposals, program costs and effectiveness, appropriations, and the national priorities revealed in this spending.

The appropriations process is the vital mechanism through which the Congress seeks to reflect its views on budgetary priorities. But there remains a great need to equip Congress with the kind of manpower, data and technology that would furnish it with the information necessary if it is to fully examine and evaluate each appropriations measure, separately and in view of all other appropriations measures, will regard to the relative needs of the Nation. The Office would not supplant the efforts of the Appropriations Committees to determine the Nation's expenditures. Rather, it would further explain, coordinate and compare the various budgetary proposals so as to provide the overview so necessary to responsible fiscal planning. The program information it would collect and interpret would be made available to other committees and individual Members of Congress.

These services should, in concert with the other work of the Office, serve to improve the legislative process. Too often, despite the excellent work of the Appropriations Committees, congressional procedures result in each appropriation's being considered separately and in a piecemeal fashion.

In committees—on the floor—and in conference, over a period of months, the Gov-

ernment's spending priorities take shape. Yet this is done in virtual ignorance of total alternative budgets by which other priorities might be expressed. Revisions and amendments are made, often on the floor of the Senate, each of which affects a vast range of alternatives. Yet these alternatives are seldom really identified. An appropriation increase, for example may be offered with the very best of intentions, but with no clear idea of what other equally worthwhile projects are precluded by this additional expenditure.

Currently, the Congress has only one complete, coherent budget with which to work—that submitted by the President. There is no reason, of course, why the Congress should feel obliged to accept this budget, item by item. And the Congress doesn't. The new Office would, in providing Congress with hard cost-benefit and sound, need-projection data, improve the chances that the deletions, additions, and other revisions of the budget would occur as a result of informed and considered analysis of the merits of each budget proposal, and of how all spending decisions influence, and are influenced by, the total economy.

It was the opinion of the committee that the Congress needed its own office to provide this kind of ongoing analysis and to generate comprehensive budget alternatives which could be examined in a totality. The executive branch is quite well equipped to function in such matters. With the Domestic Council and the Office of Management and Budget, and with the extensive facilities of the National Security Council, the Council of Environmental Quality, and the Council of Economic Advisers, the White House alone (not to mention the departments and agencies) is formidably equipped to present a given budget and make its case.

Meanwhile, the Congress—coequal in policymaking, and supposedly preeminent in the control over spending—has far too little resources, even in its Appropriations Committees, and has no established mechanism to help individual Senate or congressional staffs examine the national priority judgments reflected in the budget. The President said, when announcing his proposal to establish the Domestic Council and the Office of Management and Budget: "A President whose programs are carefully coordinated, whose information system keeps him adequately informed and whose organizational assignments are plainly set out, can delegate authority with security and confidence." Certainly the Congress, the branch of Government which shares with the Executive the responsibility to determine national priorities and delegate authority, should be so organized and informed. Such an office in the Congress could do much to stem the growing erosion of congressional power and give substance to the admittedly ill-defined contentions about national priorities, peace and growth dividends, and fiscal responsibility.

The last day of hearings, March 13, 1970, was devoted to discussion of title II. The witnesses were Senator Charles Percy, Mr. Charles J. Zwick, former Bureau of the Budget Director, and Mr. Joseph W. Barr, former Secretary of the Treasury.

Mr. Barr and Senator Percy testified that the Office of Goals and Priorities Analysis would serve to resolve the problems Congress presently endures by virtue of the piecemeal fashion in which it debates and funds national goals and priorities.

Senator Percy attributed the problem to the way the legislative process is set up:

Each bill and appropriation is handled separately with no real attention given as to how each piece of legislation fits into an overall framework of need and resources available.

All three witnesses agreed that Congress is also handicapped by the shortage of man-

power, technological resources, and information necessary to make priority decisions regarding national program and policy design.

Senator Percy testified that "the Congress needs an independent office to provide Congress with independent counsel and advice in economic and financial areas in lieu of Congress falling back upon data provided by the executive branch. Or, what is worse, to operate in the dark." He found it incredible that Congress, where decisions of nationally important consequences are made, has neither the corps of people nor the minimum technological assistance that was available to him in making relatively minor decisions when he was in industry.

Senator Percy noted that the executive already surpasses the Congress in the development of a computer-based program management and evaluation and information system. He suggested that Congress avail itself of computer services so that it could, at least, request from the appropriate executive departments the tapes which have the data, upon which the executive budgets and 5-year plans have been based, and thus equip the office with the added ability to analyze the total budget and performance from a baseline (not just from the prior year) and search every line item if necessary.

Mr. Zwick testified on the need for both the Council of Social Advisers and the congressional Office of Goals and Priorities Analysis to do "an effective cross examination" of recommendations from the executive branch. He felt that the new Executive reorganization made such tools all the more essential. First, the Director of the Office of Management and Budget would, according to the White House, no longer be involved in policy formulation and, therefore, the Director would be less able to testify on the underlying policy and priorities. Second, the Domestic Council would, under the cloak of Executive privilege, not be available to inform the Congress.

Senator Mondale and Mr. Barr agreed that the tools of S. 5 would not only restore some balance between the executive and legislative branches, but would also improve the quality of work in the executive branch. The Senator pointed to the "suboptimization" which increasingly characterizes a proliferating executive branch and which is never really challenged to answer the difficult question of overall priorities. With a more effective and informed challenge coming from the Congress, both branches should benefit from the result.

HEARINGS: 92D CONGRESS

In July 1971, a hearing was held on the bill, S. 5, in the identical form to that which was passed by the Senate on September 10, 1970. The bill was now known as the "Full Opportunity and National Goals and Priorities Act."

Testimony favoring the bill was received from Mr. Sol M. Linowitz, chairman of the National Urban Coalition, Prof. Raymond A. Bauer, professor of business administration at Harvard University and Dr. Nicholas J. Demerath III, executive officer of the American Sociological Association. A statement in support of the bill was also submitted by Mr. David F. Linowes, a partner in the firm of Laventhol, Krekstein, Horwath & Horwath.

Testimony generally supporting the objectives of the bill was presented by Hon. William Proxmire, a U.S. Senator from Wisconsin, and by Dr. Dwight A. Ink, Assistant Director of the Office of Management and Budget. These two witnesses, however, opposed enactment of the bill, principally on the grounds that they believed the functions provided for in the bill were already being performed—or should be performed—by different organizational units.

The witnesses who recommended enactment of the bill offered convincing testimony as to the need for the legislation, the appro-

priateness of the structures and processes to be established, and the feasibility of successful implementation—provided only that sufficient time would be allowed for the new arrangements to be developed and nurtured. Professor Bauer, for example, stressed that we should allow a new Council of Social Advisers some 10 to 15 years to reach maturity. But, he said, "it is better to start now."

Mr. Linowitz emphasized the great disparity in resources available to the President and to the Congress in developing the "major contours" of the Federal Budget. He said:

The Congressional Office of Goals and Priorities created by S. 5 would provide Senators and Representatives with the means to analyze the budget as a whole for the first time.

Referring to title I of the bill, Mr. Linowitz observed:

Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate a comprehensive public policy. The Council of Social Advisers and the annual social report of the President authorized in title I of the act, would, we believe, help to fill this information vacuum.

TITLE II

Section 201.—This section declares a finding of the Congress that the Congress needs more information and data upon which to base decisions affecting national priorities and budget alternatives.

Section 202.—This section establishes within the Congress an Office of Goals and Priorities Analysis. The Director and Assistant Director of the Office are to be appointed jointly by the majority leader in the Senate and the Speaker of the House, and shall have compensation equal to that of the Comptroller General and assistant Comptroller General. This section also sets their terms of office, provides for their removal, and declares professional qualification without regard to political affiliation to be the requirements for all professional staff members including the Director and Assistant Director.

Section 203.—This section relates the functions of the Office to those measures and appropriations which may come before the Congress; calls for a report on national goals and priorities to be submitted to the respective Committees on Appropriations, the Joint Economic Committee, and other interested committees. This section also states service to individual members to be a function of the Office in providing requested information or analyses relevant to an informed determination of national goals and priorities.

Section 204.—This section grants the Office certain authority for carrying out its functions; directs departments and agencies of the executive branch and independent agencies with specific mention of the General Accounting Office and the Office of Management and Budget, to furnish such information and assistance as is possible; and brings the staff of the Office of Goals and Priorities Analysis under section 2107 of title V of the United States Code.

Section 205.—This section calls for hearings on the national goals and priorities report by the Joint Economic Committee.

Section 206.—This section establishes the Secretary of the Senate as the disbursing officer for the funds appropriated for the Office.

1076, the proposed "VA Accountability Act of 1973," of which I am a cosponsor with Senator HARTKE, chairman of the Senate Veterans' Affairs Committee. I am delighted to be joined by Senator HARTKE and Senator RANDOLPH in sponsorship of this amendment to require that future appointments to the post of VA Deputy Administrator, Chief Medical Director, and Chief Benefits Director be made by the President subject to Senate approval.

Mr. President, there are currently 542 statutory positions required to be filled by Presidential appointment, by and with the advice and consent of the Senate. In determining why certain positions are subject to Senate confirmation, it seems pertinent to examine the size of the particular agency's budget, the number of employees under its jurisdiction, and the number of potential beneficiaries that the agency serves. Presumably, an agency with a large budget and a large number of employees, as well as a large population for which it is responsible, will have more positions requiring Senate approval than a smaller agency.

In view of this, Mr. President, let us look at the situation of the Veterans' Administration. Right now, in an agency spending more than \$12.5 billion, employing almost 200,000 people, and potentially providing benefits to 29 million veterans, only one official, the Administrator of Veterans' Affairs, is so appointed and so accountable. By comparison, the Department of Housing and Urban Development employs approximately 16,000 people and spends a little over \$5 billion, but has 7 statutory positions subject to Senate approval. And the ACTION Agency, with less than 2,000 employees, and a budget of approximately \$165 million, has 6 positions requiring confirmation by the Senate.

The General Services Administration, which employs slightly more than 4,000 people and spends approximately \$826 million has, like the VA, only one Presidential appointment position requiring Senate approval. While I recognize the valuable services that this agency provides—largely to other Federal agencies—it does not have 29 million potential beneficiaries, as is the case with the Veterans' Administration.

Mr. President, these examples indicate a serious discrepancy regarding the accountability of the principal VA officials, which the amendment we are submitting would rectify. I wish to make, it very clear, however, that this amendment explicitly would not apply to the incumbents in these positions. Retroactive confirmation by the Senate of the persons presently in the positions of VA Deputy Administrator, Chief Medical Director, and Chief Benefits Director is not required by this amendment.

Mr. President, I ask unanimous consent that the full text of this amendment be set forth in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the end of the bill add a new section as follows:

SEC. 6. (a) The first sentence of section 210(d) of title 38, United States Code, is amended to read as follows: "There shall be in the Veterans' Administration a Deputy Ad-

ministrator of Veterans' Affairs who shall be appointed by the President by and with the advice and consent of the Senate."

(b) Section 210 of title 38, United States Code, is further amended by adding at the end thereof a new subsection as follows:

"(e) There shall be in the Veterans' Administration a Chief Benefits Director who shall be appointed by the President by and with the advice and consent of the Senate. The Chief Benefits Director shall administer, under the supervision and control of the Administrator, the programs provided for under chapters 11, 13, 15, 19, 21, 23, 31, 34, 35, 37, and 39 of this title, and shall perform such other functions as the Administrator shall designate."

(c) The first sentence of section 4101(a) of title 38, United States Code, is amended by inserting "who shall be appointed by the President by and with the advice and consent of the Senate" after "Chief Medical Director".

(d) The provisions of sections 210(d) and 4101(a) of title 38, United States Code (as amended by this section), insofar as such provisions require the advice and consent of the Senate to the appointment of individuals to the offices of Deputy Administrator of Veterans' Affairs of the Veterans' Administration and Chief Medical Director of the Department of Medicine and Surgery, Veterans' Administration, shall not apply in the case of individuals holding those offices, respectively, on the date of enactment of this Act for so long as such individuals continue to hold such offices. The provisions of section 210(e) of such title (as added by this section), insofar as such provisions require the advice and consent of the Senate to the appointment of any individual to the office of Chief Benefits Director of the Veterans' Administration, shall not apply with respect to the first appointment to such office, if the individual so appointed is the individual holding the administratively created office of Chief Benefits Director of the Veterans' Administration on the date of the enactment of this Act.

AMATEUR ATHLETIC ACT OF 1973— AMENDMENT AMENDMENT NO. 459

(Ordered to lie on the table, and to be printed.)

Mr. TUNNEY. Mr. President, on June 27, 1973, the Senate Commerce Committee voted to report the Amateur Athletic Act of 1973, a bill designed to protect the rights of our amateur athletes in athletic competition, and to provide the foundation for better training, better coaching, and better facilities for amateur athletes.

Today, I have reported the bill as ordered reported by the Commerce Committee on behalf of myself and Senators PEARSON, COOK, GRAVEL, MAGNUSON, and THURMOND.

This bill is the result of many months of work by all the Senators involved. It is the result of 3 days of hearings in May on four bills which were combined to produce the omnibus bill which has been introduced today, with the report of the Commerce Committee accompanying it. It is, we believe, a giant step forward in protecting the interests of amateur athletes.

In the weeks since the Commerce Committee reported the legislation, there has been a barrage of criticism and innuendo unleashed by the existing sports bureaucracies in this country. Much of the criticism has been the result of misinterpretation, or misinformation on the parts of those concerned. We believe that

VETERANS' ADMINISTRATION ACCOUNTABILITY ACT OF 1973— AMENDMENT

AMENDMENT NO. 458

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)
PRESIDENTIAL APPOINTMENT OF VA OFFICIALS

Mr. CRANSTON. Mr. President, I submit for printing an amendment to S.