violations is obvious. In a populist democracy such as ours, respect for judicial process, and particularly those aspects of its process that the right to a fair trial is a fragile thing at best. Journalists, who enjoy special protection under the First Amendment, have a special responsibility to respect due process. We can hardly expect other Americans to take fair play seriously when we ourselves show scant respect for the rights of others.

Then, there are the Watergate cases presently being tried. Defendants and their attorneys both claim that the plain language they are prepared to use pre-trial publicity and every possible procedural issue to try to discredit the prosecution. Judges are, not with reason, edging into the role of at least possible that over-aggressive reporting could blow some of the cases, and even the whole impeachment proceeding.

If nothing else, more irresponsible reporting could make of the Special Watergate prosecution a hopeless mess. Like the Senate Watergate committee which lost so much prestige because of leaks, the prosecution could become a laughing stock, a bunch of nice guys who finish last deservedly.

Finally, there is at stake the quality of journalism with its not negligible impact on public office and the process ofU.S. A.

Manisfield's restraint in handling the impeachment case is one of those rare things that has been lost to us, it seems to me, in extending the reach and seriousness of news coverage. This sort of thing could occur at the Watergate cover-up itself. in a press triumph—notably for this newspaper.

But I'm glad about just this time it would be a terrible price. But they will be lost unless we show more self-discipline—unless there is a curbing in the spirit of rivialness and in the urge to produce sensationalism so rampant in the fourth estate.

[From the Evening Star News, Apr. 8, 1974]

MANFIED ASKS RESTRAINT IN HANDLING IMPEACHMENT

(Shirley Elder)

Senate Democratic leader Mike Mansfield today appealed for a dispassionate approach to the scandal of Watergate by Congress and the press.

Mansfield suggested that everyone concerned with Watergate and the possible impeachment of the president had become too "emotionally involved." He conceded that he was "emotionally involved," but suggested that everyone seek to avoid emotions.

All involved must ask themselves, he said, in a Senate speech, whether they are being fair to the President. "Are we shouting aside the basic principle of law which presumes the innocence of the accused until found guilty? The Montauk senator appeared upset at recent news stories quoting him as saying "the votes are there" for impeachment in the House. What he said, Mansfield recalled, was that he had been told the votes were there.

But, he emphasized, he does not know, and no one will know, whether the House will vote to impeach the President until the votes are taken.

Until then, Mansfield suggested that everyone allow speculation." One year of Watergate is too much: one day of Watergate is too much," he commented. But the issue will have to run its course.

He commended the special Watergate prosecutor and the House Judiciary Committee for their diligence but also said that for the lack of "leaks" of impeachment evidence.

Mansfield said he had noticed with some concern that news media polls have been robbing the Judiciary Committee and even how senators stand before any evidence is presented.

"There have been also editorial comments on the issue of impeachment by the House and a trial by the Senate in which I think anticipates the question," Mansfield said.

On related matters, Mansfield also said: 1. The impeachment should reach the Senate for trial. He would favor televising Senate sessions.

2. "If and when" that time comes, he will suggest a special session of all senators to discuss procedures.

3. He hopes the Senate Watergate committee will be able to report legislative recommendations to the Senate, and turn over all evidence to the House Judiciary Committee and the special prosecutor.

Mr. BIDEN. Mr. President, in conclusion, as the Acting President pro tempore well knows, I have been on occasion a harsh critic of the President. There is no great love lost for him on my part. I had no hesitancy in discussing it now. I thought he was wrong, which I often thought.

I have not hesitated to criticize his policies, with which I disagreed more than I agreed. But I do have a feeling about my children and my grandchildren will be looking back on what I said or did not say in April of 1974 with respect to what seems inevitable, that we must have an impeachment trial of the sitting President. I think that all of our grandchildren are going to look back on us to determine whether or not we meant what we said when we said that our constitutional system should be adhered to and that all men and women are innocent until proven guilty beyond a reasonable doubt.

I hope that if the trial occurs—which is not a certainty—that we will let the trial proceed as we would have the attorneys sitting back in the county courts of our own districts and not be fettered by the expectations of our colleagues or outside influences affect our verdict were we to be put in that position later in this calendar year.

Mr. DOLLE. Mr. President, I wish to comment on the words. I listened to the distinguished Senator from Delaware (Mr. BIDEN) and I am pleased to know that he is going to listen to the evidence before he makes a verdict. I hoped the impression that we will trial will prevail throughout the Senate. There should not be any need to call that to the attention of the Senate. I would trust that every Senator will recognize his duty and responsibility and will not vote on the basis of outside influences affect the distinguished Senator from Delaware.

As one who supported President Nixon and was one of his harshest critics, I think we have to separate that from the considerations that would prevail on the impeachment trial. The Constitution is clear there, as indicated by one effort at impeachment, that it is a Democrat, Andrew Johnson. He was at that time, as I recall, saved by the votes of six Republicans.

One of the Republicans was a Senator from Kansas named Edmund Ross. He did not return to the Senate. He died later in New Mexico, in a state of some poverty.

In any event, I do not think that was a dispassionate trial, conducted in fairness. At that time, the Republicans did control the Senate and were very partisan. It was a partisan trial. There was not any great clamor around the country for the impeachment of Andrew Johnson, a Democrat; but there was a great clamor among the Republicans, because they wanted that office back.

History has indicated that probably it was a good thing that impeachment failed by one vote.

I think, as John F. Kennedy indicated in his book, "Profiles in Courage," that Edmund Ross and I, assume, the other five Republicans who failed to fall in line with the partisans, did themselves great credit as history was written.

That is the spirit we ought to observe in this event that an impeachment is presented to the Senate. I do not have any way of knowing if it will come to pass, of course.

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

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with speeches limited to 5 minutes each.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following communication, which was referred as indicated:

PROPOSED SUPPLEMENTAL AND INDEFINITE APPROPRIATION, 1973 AND 1974 (S. Doc. 93-72)

Communication from the President of the United States proposing a supplemental and indefinite appropriation for the fiscal years 1973 and 1974 to cover costs arising out of retroactive pay increases for the period from October 1 through December 31, 1972 (with accompanying papers). Referred to the Committee on Appropriations, and ordered to be printed as a Senate document.

PRESENTATION OF A PETITION

By Mr. PASTORE (for himself and Mr. PELL)

A resolution of the House of Representatives of the State of Rhode Island. Referred to the Committee on Commerce.
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House resolution memorializing the Congress to enact legislation requiring the Federal Government to subsidize all electric companies on the cost of their fuel adjustment. The resolution was referred to the Senate Committee on Interior and Insular Affairs. The Senate Committee of the House of Representatives of the state of Rhode Island and Providence Plantations hereby memorializes Congress to require the federal government to subsidize all electric companies on the cost of their fuel adjustment; and be it further resolved, that the secretary of the state be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Rhône Island delegation in Congress. 

AUTHORIZATION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE A REPORT ON S. 3267 BY MIDNIGHT, APRIL 19, 1974

Mr. JACKSON. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight, Friday, April 19, to file a report on S. 3267, the Standby Energy Emergency Authorities Act. The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of the nominations were submitted:

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services: John M. Maury, of Virginia, to be an Assistant Secretary of Defense. The above nomination as reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. HARRY F. BYRD, JR., Mr. President, from the Committee on Armed Services, I report favorably the nomination of Vice Adm. Frederick J. Harlifinger II for appointment to the grade of vice admiral, on retired; 10 Naval Reserve temporary promotions to the grade of rear admiral—Colwell through Paulson; and 6 temporary appointments in the Marine Corps to the grade of major general—Armstrong through Nichols. I ask that these names be placed on the Executive Calendar. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS, of Alabama, Mr. President, in addition, there are 646 appointments in the Army in the grade of captain and below; in the Navy there are 1,610 for permanent promotion to the grade of commander; and in the Naval Reserve there are 586 for temporary promotion to the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask that these names be placed on the Secretary's desk for the information of any Senator. The PRESIDING OFFICER. Without objection, it is so ordered. The nominations ordered to be placed on the Secretary's desk were printed at the end of the Senate proceedings of March 26, 1974.

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Barbara M. White, of Massachusetts, to be the Alternate Representative of the United States of America to the Sixth Special Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, referred to the second time, and referred as indicated:

By Mr. JAVITS (for himself, Mr. Percy, Mr. Gravel, Mr. McGovern, and Mr. Williams):

S. 3337. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system. Referred to the Committee on the Judiciary.

By Mr. FANNIN (for himself and Mr. Anderson):

S. 3338. A bill for the relief of Evaristo Laborin, his wife, Ampora Laborin, and their children, Evaristo, Junior, Francisco Laborin, Catalina Laborin, Jesus Laborin, and Benito Laborin. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3339. A bill to amend the program of supplemental security income for the aged, blind, and disabled (established by title XVI of the Social Security Act) to provide for a cost-of-living increases in the benefits provided thereunder. Referred to the Committee on Finance.

By Mr. HUGH SCOTT:

S. 3440. A bill for the relief of Francisco Carpio, a resident of the state of Texas. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 3441. A bill to require certain provisions of title 5, United States Code, relating to per diem and mileage expenses of employees and other individuals traveling on official business, and for other purposes. Referred to the Committee on Government Operations.

By Mr. HRUSKA:

S. 3442. A bill to establish a National Institute of Corrections, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. WEICKER (for himself, Mr. HANAWAY, Mr. HARKER, and Mr. RUSCOFF):

S. 3443. A bill to designate a national network of essential rail routes; to require minimum standards of maintenance on rail lines; to provide Federal financial aid for rail rehabilitation; to establish rights of access to railroad facilities, and for other purposes. Referred to the Committee on Commerce.

By Mr. KNOWEY:

S. 3444. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Commerce and Public Welfare.

By Mr. MOSS:

S. 3445. A bill for the relief of John Oaka- and H. F. Musicland. Referred to the Committee on Interior and Insular Affairs.

S. J. Res. 205. Joint resolution authorizing the President to proclaim the last week of June of each year as "National Autistic Children's Week". Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. Percy, Mr. Gravel, Mr. McGovern, and Mr. Williams):

S. 3337. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system. Referred to the Committee on the Judiciary.

THE COMMUNITY ANTICRIME ACT

Mr. JAVITS. Mr. President, 10 years ago a woman named Kitty Genovese was brutally murdered in the City. Thirty-eight local residents heard her scream for help. But none moved to help her. The incident was cited throughout the Nation as evidence that New York City was callous, cold, and indifferent.

While I did not think it fair to indict my city as a whole for apathy in that tragic murder, that incident pointed up a dual reality: The paralyzing fear of crime which has infected part of the urban landscape during the last decade, and the total helplessness felt by many people as they struggled to deal with a phenomenon which intruded with enormous impact into their daily lives, and in some ways dramatically affected the way they related to one and other.

Today, 10 years later there is evidence that we have made important progress against crime—and that the tremendous increase in the allocation of Federal resources to crime control and crime prevention programs has materially furthered that progress.

As a result, the Uniform Crime Index of the FBI show that serious crime is increasing at the rate of about 1 percent per year—the lowest reported rate increase since 1960. Several major cities—including New York City have reported an actual reduction in certain categories of violent crime.

Nevertheless, there is no question that America still carries too heavy a burden of crime and is still faced with an array of problems. We cannot take any comfort in the fact that our smaller cities and suburban areas are feeling new and increased crime pressures.

Today, also, there is impressive evidence that New Yorkers and other urban dwellers are more willing than ever to take a personal role in fighting crime and the fear of crime. Throughout the Nation, the citizen potential for neighborhood nonprofit, not only as represented by our citizens, but also by business, labor and civic organizations—is being harnessed by law enforcement and criminal justice agencies—most notably the pre-eminent programs to prevent crime. These should be fully utilized and ex-
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personnel from guards to wardens, as the Department of Justice has done with police administrators. 

The second on the part of the President and the Attorney General could be one of the milestones in correctional history.

Early in 1972 representatives of the Law Enforcement Assistance Administration and the Equalization Bureau of Prisons, together with other interested individuals, concerned with corrections outside of the Federal Government, met in Dallas, Tex., to formulate plans to implement the concept of a National Institute of Corrections. Recognizing that the task of establishing the institute would be, in the words of Chief Justice Burger, a "milestone in the correctional history," it was agreed at the meeting that one of the first essentials would be the preparation of a comprehensive and detailed concept paper describing the functions and objectives of such an Institute.

Prof. Norval Morris, director of the Center for Studies in Criminal Justice at the University of Chicago Law School, was requested to prepare the paper. His paper, titled "Towards a National Institute of Corrections," set forth the following objective:

The mission of the National Institute of Corrections (NIC) is to provide national leadership in correctional education and research. To achieve this, NIC will undertake training, research, evaluation, standard-setting, publication and clearing-house functions in corrections. NIC will also apply its funds and developing expertise and influence to support other agencies and organizations, national and international, engaged in correctional education and research.

The Morris concept paper cogently presented the collective views of those who participated in the discussions at the Williamsburg conference and the Dallas meeting. It produced a convincing case for the establishment of the Institute.

On September 5, 1972, I introduced S. 3948, which would create a National Institute of Corrections. Similar bills containing substantially the same concept for a national institute were introduced by Senator Brooke (S. 3313) and Senator Humphrey (S. 4422). In short, the concept of a National Institute of Corrections has received broad support, not only among correctional administrators and researchers, but in the Congress and the executive branch as well.

The recent report published by the Corrections Task Force of the National Advisory Commission on Criminal Justice Standards and Goals recommends that a National Institute of Corrections be established. It is worthwhile to quote the statement of the Corrections Task Force in focusing upon the background, functions, and authority of a National Institute of Corrections:

A national academy of corrections has been proposed for many years. In December, 1971, at the first national conference of corrections, the Attorney General directed the Law Enforcement Assistance Administration and the Equalization Bureau of Prisons to work with the States in the establishment of such an academy. An interim steering committee was appointed after seminars have been conducted. The project has been entitled the National Institute of Corrections.

The precise functions to be fulfilled by the Institute have not yet been formally determined. These proposed include:

1. Service as a clearinghouse for information on crime and corrections.
2. Provision of consultant services to Federal, State, and local agencies on all aspects of corrections.
3. Development of correctional programs.
5. Technical assistance teams to assist the States in development of seminars, workshops, and training programs.
6. Publication of reports.
7. Coordination and funding of correctional research.
8. Formulation and dissemination of policy, goals, and standards recommended for corrections.

A national institute with the authority and funds for the wide range of activities could serve as a powerful force in the coordination and implementation of a national corrections reform effort, and the Commission urges immediate action to make it a reality. At the present time, the expertise and information are available to this Institute.

The Institute could provide a center and a pooling of resources from which all States and correctional systems could benefit.

At present none of the proposed functions of the Institute are being fulfilled effectively elsewhere on a nationwide basis. Expertise in corrections is simply not available in any organized form. The wide scope of the proposed functions of the Institute will require research and training, and presumably the prestige, to gain acceptance and a highly influential role in correctional reform.

It is also the view of the Commission that the Institute when established should be given the broad authority to provide funds to support correctional education and research.

Mr. President, I am pleased to introduce today a bill to establish a National Institute of Corrections. This bill seeks to establish that "milestone in correctional history" that was predicted in the 1971 Williamsburg Conference. In the years that have passed since the Williamsburg Conference the concept of National Institute of Corrections has developed beyond the original idea. The bill which is being introduced today contains the appropriate structure, functions, and powers to accomplish the ends of providing more adequate data about crime and the role of the correctional system.

The present bill proposes to establish within the Department of Justice a National Institute of Corrections. The Institute will be under the supervision of a board. The board shall consist of fifteen members.

1. The following five individuals shall serve as members of the Board: ex officio: The Director of the Federal Bureau of Prisons or his designee, the Director or the Federal Judicial Center, or his designee, and the Assistant Secretary for Legislation of the Department of Health, Education, and Welfare, or his designee.

2. The remaining ten members of the Board shall be selected by the Board.

3. Five shall be appointed initially by the Attorney General of the United States for a term of five years, two for a term of four years, one for a term of three years, two for a term of two years, and three for a term of one year. Upon the ex-

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "National Institute of Corrections Act." Sec. 102. The Congress finds and declares: (1) The need to reduce the high rates of recidivism associated with crime and delinquency, the consequences of sentencing practices, and the outcomes of correctional treatment, by the development of new approaches, techniques, and programs.

(2) That there is need to change the role of corrections from one of incarcerating offenders to one of sharing responsibility for their reintegration.

(3) That there is need to identify, develop, and implement uniform correctional policies, procedures, and practices.

(4) That there is need to establish a means of providing professional and graduate education and guidance on methods of treatment and reintegration of offenders.

(5) That to foster the achievement of these ends, a National Institute of Corrections should be created (i) to provide assistance to State and local departments and agencies, and professional organizations performing correctional services or duties; (ii) to conduct its own programs or projects of correctional training, research, information dissemination, and standardization; and (iii) to formulate recommendations concerning correctional policies, goals, and standards.

Sec. 103. There is authorized to be established in the Department of Justice an Institute to continue the educational activities of the National Institute of Corrections (hereinafter referred to as the "Institute").

(a) The overall policy and operation of the Institute shall be under the general supervision and direction of a Board.

(b) The Board shall consist of fifteen members:

(1) The following five individuals shall serve as members of the Board: ex officio: The Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration, his designee, the Chairman of the United States Parole Board, the Federal Judicial Center, or his designee, the Assistant Secretary for Legislation of the Department of Health, Education, and Welfare, or his designee.

(2) The remaining ten members of the Board shall be selected by the Board.

(3) Five shall be appointed initially by the Attorney General of the United States for a term of five years, two for a term of four years, one for a term of three years, two for a term of two years, and three for a term of one year. Upon the ex-

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piration of each member's term, the Attorney General of the United States shall appoint, each serve for a term of three years. Each member selected shall be qualified as a practitioner in corrections, probation, or parole.

(ii) Five shall be appointed initially by the Attorney General of the United States for staggered terms of not to exceed one year, three members for two years, and one member for three years. Upon the expiration of a member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member appointed from the public and private sector having demonstrated an active interest in corrections, probation, or parole.

(1) The Board of Directors shall be organized and operate under the Board Act, by reason of such membership, be deemed officers or employees of the United States. Members of the Board who are full-time employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while serving, serve as officers of the Board while engaged in duties related to such meetings or in other activities of the Board pursuant to the provisions of this Act, be compensated at the rate not to exceed the daily equivalent of the rate authorized for level IV of the Executive Schedule under section 5315 of title 5, United States Code, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, in accordance with subchapter two of chapter sixty-nine of title 5, United States Code, to that authorized by section 5703 of title 5, United States Code, for persons in the Government service not otherwise paid.

(4) The Board shall elect from among its members a Chairman and a Vice Chairman. The Board shall establish its governing rules of procedure.

Sec. 103. The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Director shall have authority to supervise the organization, employees, enrollment, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative and clerical personnel as the Institute may require, and classify the positions, to the extent necessary to the functioning of the Institute. The Director shall have full control and discretion to manage and direct the personal and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other councils comprised of consultants to guide and advise the Institute. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

Sec. 106. The Institute is authorized: (1) to receive from or make grants to and enter into contracts with Federal, State, and local departments and agencies, private organizations, and individuals for the accomplishment of the purposes of this Act; (2) to serve as a clearinghouse and information center for the collection, preparation, and distribution of all information concerning the activities of the Institute and the development and implementation of the Institute's programs, including records concerning criminal and juvenile offenders; (3) to assist and serve in a consulting capacity to local, State, and Federal departments and agencies in the development, maintenance, and coordination of programs designed to rehabilitate, train, and reintegrate offenders; (4) to encourage and assist Federal, State, and local government programs and services, and private and public agencies, institutions, and organizations in their efforts to develop and implement both corrections, probation, and parole programs;

(5) to devise and conduct in various geographical locations, seminars, workshops, training programs, conferences, and other methods of training for officers, judges and judicial personnel, corrections, probation and parole personnel, and other persons, including re-offenders and paraprofessional personnel, connected with the treatment and reintegration of criminal and juvenile offenders;

(6) to develop technical training teams to aid in the development of seminars, workshops, and other training programs within the several States and with the State and local departments and agencies which work with parolees, probationers, parolees, and other offenders;

(7) to conduct, encourage, and coordinate research relating to corrections, probation and parole, including the causes, prevention, diagnosis, treatment and reintegration of criminal and juvenile offenders.

(8) to formulate, coordinate, and evaluate correctional policies, goals, and standards recommendations for Federal, State, and local departments and agencies; private organizations, and individuals; and

(9) to conduct evaluation programs which study the effectiveness of new approaches to the rehabilitation and reintegration employed to improve corrections, probation and parole.

Sec. 107. In addition to the other powers and duties specified in this Act, the Institute is authorized:

(1) to receive from any Federal department or agency, the head of any Federal department or agency, the head of any Federal department or agency, and to report all such reports of all such reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to make recommendations to the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

(2) to arrange with and reimburse the head of Federal department and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

(3) to confer with and advise itself of the services, assistance, records, and facilities of State and local departments, agencies, and private organizations, or individuals;

(4) to enter into contracts with State and local departments and agencies, private organizations, or individuals for the accomplishment of any of the duties of the Institute; and

(5) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for level V by section 5316 of title 5 of the United States Code.

Sec. 108. The Institute, from and on or before the 31st day of December of each year, shall submit an annual report for the preceding fiscal year to the President and to the Congress. Such report shall include an account of the Institute's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as it deems appropriate to correction, parole and parolee services as the Institute deems appropriate.

Sec. 109. (a) Each recipient of assistance under this Act shall ensure that the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of the Institute's participation in such project or undertaking supplied by other sources; and such other records as will facilitate an effective audit.

(Pr) The Institute, and the Comptroller General of the United States, or any duly authorized representative, shall have access for purposes of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Institute or by grant or subcontract from any grantees or contractors of the Institute.

Sec. 110. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof:

"(131) Director of the National Institute on Corrections."

Sec. 111. There are authorized to be appropriated out of the Treasury of the United States such sums as may be necessary to carry out the provisions of this Act. Such sums shall remain available for obligation until expended.

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By Mr. WEICKER. (for himself, Mr. HATHAWAY, Mr. HARTKE, and Mr. RICOFOFF):

S 3435. A bill to designate a national network of research centers for the study and development of minimum standards of maintenance on railroad lines; to provide Federal financial aid for railroad rehabilitation; to establish rights of access by rail carriers to railroad lines and facilities, and for other purposes. Referred to the Committee on Commerce.

INTERSTATE RAILROAD ACT OF 1974

Mr. WEICKER. Mr. President, I am today introducing, along with my distinguished colleagues, Messers. HARTKE, and RICOFOFF, comprehensive legislation directing the rehabilitation of all mainline railroad tracks throughout the United States. Entitled the Interstate Railroad Act of 1974, this bill is a substantially improved version of similar legislation introduced by Senator HARTKE and myself in 1972.

Following my introductory remarks on the critical problem of deteriorating rail track and roadbed, Senator HATHAWAY will discuss the important provisions of our legislative solution. Senator HARTKE, chairman of the Surface Transportation Subcommittee, will then speak on the Federal commitment to a safe, efficient, viable national railroad transportation system.

To begin with the problem, allow me to refer to the National Transportation Administration data on train accidents. The latest year for which detailed train accident data is available, broken down by railroad company and by cause, is 1972. The following table compares for principal railroads the number of derailing occurrences on account of defects in, or improper maintenance of, track and roadbed for the years 1963 and 1972:

<table>
<thead>
<tr>
<th>Year</th>
<th>Derailments</th>
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<tbody>
<tr>
<td>1963</td>
<td>681</td>
</tr>
<tr>
<td>1972</td>
<td>4,277</td>
</tr>
</tbody>
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All U.S. railroads          Erie-Lackawanna         New York Central          New York, New Haven & Hartford          Norfolk & Western         
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<tr>
<th></th>
<th>681</th>
<th>101</th>
<th>44</th>
<th>97</th>
<th>3,704</th>
<th>7</th>
</tr>
</thead>
</table>

Baltimore & Ohio          Chesapeake & Ohio          Erie Lackawanna          Erie-Lackawanna          New York Central          Norfolk & Western          "  1972 accidents 500 million

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As you can see, the data is eye-opening. The number of accident occurrences has increased dramatically. This rise in accidents is not a single cause but a result of complex causes involving the various elements which make up our nation's railroad system. The problem of deterioration is a nationwide problem. It is time that we take steps to remedy it.
Preliminary reports from FRA indicate that during 1973 there were 3,936 train accidents resulting from all causes, a 25 percent jump from the 1972 total of 3,032. Derailments alone increased about 30 percent. It is reasonable to assume that track-related derailments increased in at least the same proportion.

I should note here that FRA accident reporting system is based on accidents in which property damage exceeds $750 each. Hence inflation alone causes some increase each year in the number of accidents which must be reported. Nevertheless, it is clear that the rate of increase since 1963 has considerably outstripped the pace of inflation, especially in 1973 and 1972.

One alarming indication of deteriorating track maintenance is the declining rate of rail and tie insertions. From 1898-1968, the number of crossovers installed was only half of the normal requirements of a 35 year life cycle. In that same period, new rail was installed at about one-third the rate dictated by the accepted 60-year life cycle for rails. Therefore, we find that the Federal Railroad Administration, the Interstate Commerce Commission, and the railroads themselves.

The relatively good record of the Penn Central cannot be attributed to reductions in allowable train speeds, which in some instances were quite drastic. While Mr. Moore and his associates are to be commended in dealing with the problem in the only way open to them, the national interest in modern and efficient rail transport will not be served by converting our railroads into railroads. Now it appears that Penn Central's decline is about run out, even with speed reductions.

Despite almost 3,200 miles of track—almost half the system—operated under "slow orders," derailments from all causes during February 1974 were at 137 percent over February 1973. Much of the increase resulted from bad track problems. Other railroads which have experienced significant speed reductions in recent years have shown similarly drastic increases. The Penn Central, of course, is not unique in this regard.

A principal victim of deteriorating track and roadbed has been Amtrak passenger service. Schedules of most Amtrak passenger trains are slower than in 1941 and 1933. Yet, the long-term performance keeps getting worse.

By far the largest single cause of delay to Amtrak trains in 1973 was slow orders on account of track problems. Amtrak is presently engaged in litigation in an attempt to compel Illinois Central, Gulf, and Louisville & Nashville to fix up their track and improve overall performance. In addition to slow schedules and unending performance, bad track is giving Amtrak passengers on some routes an unacceptably rough ride.

Bad track has a detrimental effect on freight service as well as passenger service. The consequences of derailments in terms of property damage, loss and damage to freight, delay to shipments in the derailed train, and delay to shipments in other trains blocked by the derailment are far reaching. Even short of derailments, rough track causes an increase in freight damage claims and in equipment repair costs. Total payments for freight loss and damage from all causes is about doubled over the past 10 years.

It is sometimes argued that over-the-road speed for freight trains is unimportant because too much time is lost in yards, terminals, and so forth. The answer is that the yard system, Gulf, and both should be improved. Slow over-the-road train operation leads to increased payments of overtime to train crews on top of the mileage rate. The recent revision of the hours of service law reducing permissible continuous time on duty to 12 hours provides additional incentive for expeditions over-the-road movement of freight trains. Over-the-road speed is of critical importance to "piggyback" and container traffic, which spends a far smaller proportion of total transit time in yards and terminals than does carload freight. If railroads are to retain and increase their volumes of such traffic, they must offer a service which will match the door-to-door time of highway movement.

The importance of adequate track and roadbed maintenance for good freight service as well as good passenger service was stressed by the Department of Transportation in its report to the Congress on Amtrak in March 1973.

Railroad track problems stemming from poor track maintenance are not confined to either passenger or to freight service. Almost all kinds of Amtrak's delays are attributable to "slow orders," and temporary speed restrictions have been placed due to track conditions. But inadequate track plant. Therefore, adequate track maintenance is essential.

In November 1968, William H. Moore, then vice president of operations of the Southern Railway System, told a group of railroad executives:

"I say to you now, the American railroads must increase their spending on track maintenance."

This year, we (Southern) have already spent $3 million more on M/W than was spent in 1972. The higher locomotives are demanding better track. The maintenance program we have used in the past—this has not worked. We do not do the job. In the final analysis this job brings up program will cost no more than we have done in the past. Savings generated through fewer derailments and lighter local damage will pick up the tab. We are already three-quarters of a million dollars better off in this respect this year than last year.

Sooner your management decides to take this step the better off you will be. Manpower move faster, per diem on equipment will be less, derailments will be reduced, and, best of all, you will have more business to handle. I cannot think of a healthier situation.

Southern continues to follow Mr. Moore's prescription. The company's expenditures on maintenance of way in proportion to total expenses is among the highest in the industry. The results have been remarkable. With better track, fewer shippers and Southern shareholders Southern have about the lowest ratio of freight loss and damage expense of all railroads. At the same time, its profits are approximately the same as in each year since 1968.

Unfortunately, a number of other railroads apparently reject Southern's philosophy. In recent years, the Louisville and Nashville, the Illinois Central, the Burlington Northern, the Kansas City Southern, and the Chicago and North Western have not been adequately maintained over their track and roadbed, while at the same time they have paid out substantial amounts in dividends and for nontransportation investments. The inevitable consequences have been, a decline in service quality and/or a soaring freight rate. Of even greater concern is what will happen to their operations 2, 3, and 5 years from now when the remaining maintenance work has now living of is completely used up and their track and roadbed must be restored if a railroad is to continue to function, but the governing theory seems to be, "In the long run we'll all be dead." Now there are indications that even such parent companies as the Chesapeake & Ohio and the Southern Pacific are deprecating maintenance.

Furthermore, some railroads have simply been unable to afford adequate track maintenance, the Penn Central and other bankrupts being the most obvious examples. Whatever the reasons, the crisis has been building up a long time and is truly national in scope. While scattered deferred maintenance began accumulating in some areas almost as soon as post World War II plant refurbishing was completed, the rigorous of the present situation date back to the operations of 1938. A 1971 study by the railroad industry's labor and management committee indicates that between 1958 and 1972, the number of the annual number of crossovers that should have been replaced, and laid only.
rail traffic over a minimum number of selected routes maintained to high standards. The result would be improved overall service plus reduced maintenance costs on those lines restricted to local service.

It is with these points in mind that we have drafted the Interstate Railroad Act of 1974.

The bill calls first for designation of an Interstate Rail System of selected main lines maintained to high standards. The final system would be formulated by a procedure involving public hearings before the Rail Services Planning Office of the Interstate Commerce Commission, somewhat analogous to the activity now underway under the Regional Rail Reorganization Act.

An important feature of this part of the bill requires all railroad companies to disclose information pertaining to the current state of maintenance of their track and roadbed in terms of speed restrictions.

All main track in the Interstate Railroad System would have to be maintained for smooth and dependable operation of freight trains at speeds up to 60 miles an hour. All passenger trains on well-managed, adequately financed railroads would have to be maintained for speeds that, at speeds of 50 miles an hour or over, prior to the Penn Central merger, the New York Central allowed 60 miles an hour for freight trains on its important main lines. For many years 60 was standard top speed for fast freight on the Nickel Plate Road, now part of the Norfolk & Western, Southern Pacific, Cotton Belt, and Santa Fe are now running freight at 70. The Santa Fe is reported to be running its Super C at 80.

The Union Pacific is planning its track maintenance to allow for 80-mile-an-hour freight and passenger trains. The apparent need that maintenance of main lines be increased to 60-mile-an-hour freight service is the appropriate minimum standard for high-density main lines.

Current federal safety laws require that passenger trains travel at speeds over 60 miles an hour, on any track maintained for freight train operation at speeds of 41 to 60 miles an hour inclusive. If research and development progress results in locomotives with a "feather" touch on the track, passenger train speeds on such track might be increased to 90 or 100.

In formulating the track standards, the bill directs the Secretary of Transportation to be guided by preferred or recommended practices from an engineering and economic standpoint as distinct from minimum requirements for safety. The regulations promulgated under the Rail Safety Act of 1970 do not achieve this objective, if for no other reason than railroads are not required to meet those standards as long as they wish, thus reducing the level of maintenance required for reasons of safety.

Second, the Federal Government must provide financial assistance for rehabilitation of track and roadbed to those railroad companies which do not have either sufficient resources of their own and/or adequate access to credit.

Third, the Federal Government must encourage the concentration of through

rail facilities to meet the needs of the public and to provide for the efficient distribution of goods and services.

The bill provides for the establishment of an Interstate Railroad System of selected main lines maintained to high standards. The final system would be formulated by a procedure involving public hearings before the Rail Services Planning Office of the Interstate Commerce Commission. The bill also contains provisions for the establishment of a Federal Railroad Administration to administer the program.

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In conclusion, the higher standards should have a beneficial effect on the operation of the railroad system as a whole, and on the Federal Government's efforts to provide a safe and efficient transportation system.
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more precise data will be developed in this regard.

Senator HARKER, the distinguished chairman of the Surface Transportation Subcommittee of the Committee on Commerce, shortly will discuss the justification for providing these funds to the railroads. I regret that such rehabilitation is not only justified, but is demanded by the past neglect and present state of our tracks and roadbeds. The bill we have introduced provides reasonable standards necessary for the rehabilitation of the nationwide rail system and the funds necessary to assist in meeting those standards. Failure to respond in the present situation would be a betrayal of our responsibility to the railroads, the industries which are dependent upon them and ultimately the American people.

Mr. HARTKE. Mr. President, I am pleased to co-sponsor, along with my distinguished colleagues, the Interstate Railroad Act of 1974. Senator WIECZORKI has pointed out the tremendous need to improve roadbed and track. I believe that Senator HARKER, as the distinguished chairman of the Surface Transportation Subcommittee, has observed, the deterioration of roadbed and track is the single most important problem facing the rail industry in the United States today. The increasingly drastic need to do something about this matter and our rail rights-of-way has already reached a crisis in vast areas of the Nation; the recent passage of the Regional Rail Reorganization Act of 1973 will hopefully lead to the upgrading of facilities and the implementation of a plan which will have been most severely affected by the lack of proper maintenance—the midwest and Northeast. This legislation represents the next step, and will not only build on the utility of the Interstate Rail Rights-of-Way Act, but will also address the lack of adequate maintenance in the rest of the United States.

Senator HATHAWAY has pointed out that the track standards that have been promulgated by the Federal Railroad Administration are really little more than speed limits, and, in some cases, not even that. The track standards would be either improved rights of ways or improved safety. I also concur in Senator HATHAWAY's conclusion that the Federal Government must become more involved in the rehabilitation of roadbeds and tracks. The disastrous consequences of a rail shutdown in the Northeast and Midwest were repeatedly pointed out during consideration of the Regional Rail Reorganization Act, and it illustrates the tremendous importance to the entire Nation of having an adequate rail system. The inadequate service that is all too frequently rendered by the railroads today involves tremendous costs to society. Shippers tend to use more expensive, less energy-efficient modes of transportation in order to get adequate service. Consumers pay for these inefficiencies in higher prices. The environment may suffer because of standard levels of ambient air standards. Shortages of energy sources, particularly refined petroleum products, are aggravated. More ships are needed. Increasing numbers of people are affected, or injured or even killed. In short, inadequate rail freight services have dramatic and pervasive effects throughout society, and we cannot afford to allow what has already happened in the Midwest and Northeast to occur elsewhere.

As my distinguished colleagues have observed, the deterioration of roadbed and track not only affects freight service—it has a direct and immediate effect on passenger service as well. As chairman of the Surface Transportation Subcommittee, I have watched the online performance of Amtrak's intercity passenger trains go steadily downhill ever since Congress established the rail reorganization and passed the Surface Transportation Act. While many reasons have been alleged to account for this record of ever-worsening performance, without doubt one of the most important is the deteriorating state of our right-of-ways.

Senator HATHAWAY has already mentioned the size of the undertaking contemplated in this legislation. Most estimates of the expenditures needed to effect the rehabilitation and upgrading that would be required placed the cost at approximately $3 billion. Some of these costs can be met through the Regional Rail Reorganization Act, and much of the rest will be accomplished through the use of loans guaranteed by the United States. Some direct Federal expenditures will be necessary, and there are adequate provisions in the legislation in order to safeguard the interests of the public. More importantly, the expenditures of public money for the improvement of rail transportation must be viewed in the context of public involvement in and support for other modes of transportation. Especially in light of the absolutely critical necessity of a healthy rail transportation system to the needs of the United States, the required expenditures to produce that needed system are relatively minimal.

The financial requirement needed to implement the requirements of this legislation is modest compared to what has been and is continuing to be spent on other modes of transportation by all levels of Government. The following is taken from statistics developed by the Association of American Railroads, which I presume are reasonably accurate:

STATISTICS

1921 THROUGH 1971

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<td>1971 ONLY</td>
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<td>Highways: $5 billion.</td>
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<td>Air Transport: $1.6 billion.</td>
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<td>Railroads: $200 million.</td>
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<td>Total: $25 billion.</td>
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<tr>
<td>1971 THROUGH 1971</td>
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<tr>
<td>Highways: $5 billion.</td>
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<td>Air Transport: $2.6 billion.</td>
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<td>Railroads: $200 million.</td>
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<td>Total: $34 billion.</td>
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*Includes direct subsidy and airway control.

†Excludes Merchant Marine, Coast Guard, and Intercoastal costs.

If the first $500 million authorized by this bill is included in the projected total for fiscal year 1975, the railroad share of total transportation spending would be a modest 2.5%—indeed in relation to the transportation job that modern railroads can do.

If highway spending is covered in substantial part by user charges does not alter the force of these comparisons. User charges are not voluntary contributions by persons who want better highways; they are for the most part gasoline and other automotive excise taxes, the payment of which is a mandatory condition precedent to the operation of a motor vehicle. Thus the construction of highways is dependent upon the forcible collection of taxes by Federal and State Governments. Were it not for the exercise of Government tax powers, very few highways would be built.

Even if that portion of government transportation expenditures accounted for by user charges is completely disregarded, the amounts that have been and are continuing to be spent from general funds are enormous. As of 1968, $3 billion came from general funds. Available figures indicate that in 1968, $3...
billion of the total $17.8 billion spent on highways came from general funds. All of the waterway expenditures have come and will continue to come from general funds. While Congress has enacted laws for airport improvement tax, it is estimated that for the period 1970-79 some $3.2 billion will continue to be spent from general funds for these purposes.

As my colleagues are well aware, there has been much of the burgeoning protest throughout the Northeast and Midwest against the Department of Transportation's recommendations for discontinuance of rail service by the passenger trains. The major economic problem of branch lines is that they have deteriorated so badly on account of deferred maintenance that the cost of rehabilitation relative to potential revenues is prohibitive for any private company. This legislation would provide funds for rehabilitation of many of these lines, thus enabling continuation of rail freight service which benefits the owners of smaller communities and rural areas.

An additional public benefit of a track and roadway rehabilitation program which should not be overlooked is the prospect of employment for unskilled and semiskilled workers, the labor category in which unemployment has been the most acute for a number of years.

For all these reasons, it seems most appropriate that Government assistance be expended to rehabilitate the railroads. The Federal Government must now begin to right the imbalance in transportation which has been fostered by the past taxing and spending policies that have been created.

Title II of the bill is intended to encourage rationalization of the railroad plant by means of joint track and facility arrangements. Under present law, track rights arrangements can come about only as a result of voluntary agreement. Railroad corporations have been historically reluctant to enter into such arrangements on a voluntary basis for fear that a competitor might get slightly the better part of the bargain. The bill gives the ICC authority to break the impasse when one railroad wants to economize by use of tracks or facilities of another which is not agreeable thereto.

This part of the bill is consistent with the philosophy that railroads are in some respects equivalent to public highways. For over a century, this principle has been recognized by the Supreme Court of the United States: That railroads, though constructed by private corporations and owned by them, are public carriers of transportation and nearly all the courts since such conventions for passage and transportation have had any existence.

Whether the use of a railroad is public or private depends in no measure upon the character of the company or the character of the corporation that owns it. It has never been questioned as a matter of any importance that the road was built by the agency of a private corporation. The question is whether the function that is performed is that of the state. Though the ownership is private, the use is public. So bridges, tunnels, turnpikes, ferries, and canals, though made by individuals under public grants, or by companies, are regarded as public functions.

Charge freights are granted for a service to the public. The owners may be private companies, but they are compelled to permit the public to use their tracks in the manner in which such works can be used. That all persons may not put their own ears upon the road, and use their own motive power, has no bearing upon the question whether the road is a public highway. It bears only upon the mode of use, of which the legislature is the exclusive judge. Olcott v. The Superiors, 83 U.S. 678 at 694, 695 (1872).

A railroad is a public highway, and nowhere less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the state. Just as it is protected from public purposes. It performs a function of the State. Smyth v. Ames, 169 U.S. 465 at 544 (1898).

To encourage maximum usage of this provision, the bill states that the ICC is to take into consideration the extent to which railroads have availed themselves of it when passing on applications for freight rate increases and other financial relief.

The bill contains provisions for the protection of affected employees, both with regard to track and roadway rehabilitation work and with regard to track rights arrangements. Furthermore, the Secretary of Transportation is empowered to ascertain that the track standards are in fact complied with; and that rehabilitation work is done in an efficient and economic manner.

I am under no illusion that this bill is the total solution affecting rail transportation. Other aspects, including freight car utilization, abandonments, and rate-making, are dealt with in bills in various stages of consideration in this Senate Committee. However, in my opinion, none of the pending bills address the problem which the Interstate Railroad Act is aimed at—the deterioration and decay of track and roadbeds.

I look forward to the consideration of this legislation by the Senate Commerce Committee. There is no question regarding the need that the bill addresses itself to a problem that is as concrete; as chairman of the Surface Transportation Subcommittee, I will be more than happy to entertain any comments or suggested changes in the bill which are designed to better effectuate the legislative intent.

Mr. President, I ask unanimous consent that the full text of the Interstate Railroad Act of 1974 be printed at the conclusion of my remarks along with a section-by-section analysis of the bill.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 3343
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Railroad Act of 1974."

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. The Congress finds that modern, efficient railroad service is essential to interstate commerce and to national defense; that the international energy crisis requires more intensive use of freight and passenger trains; that better utilization of existing rail rights-of-way is more compatible with the environment in terms of land use, air pollution, and noise levels, than is expansion of facilities for other modes of transportation; that many railroad tracks and roadbeds have greatly deteriorated in recent years; that such deterioration has resulted in inferior railroad transportation for both freight and passengers, together with a sharp increase in train derailments; that rehabilitation of such tracks and roadbeds will provide substantial public benefits through improved service; that the efficiency and quality of railroad service and the economic utilization of the rail network are essential to national defense and freedom; that it is necessary to designate a national network of essential rail lines, to require minimum standards of maintenance for rail lines, to provide Federal financial aid for rehabilitation of rail lines; and to establish rights of access by rail carriers to rail lines they do not own.

DEFINITIONS

Sec. 102. For the purposes of this Act the term—
(1) "Commission" means the Interstate Commerce Commission;
(2) "Office" means the Rail Services Planning Office of the Interstate Commerce Commission established by the Regional Rail Reorganization Act of 1973, P.L. 93-295;
(3) "rail carrier" includes railroad companies; rail, express, or less-than-carload rail freight carriers; State, regional, or local transportation agencies; the National Railroad Passenger Corporation; and other private passenger carriers;
(4) "rail line" includes main track or tracks; side tracks and yard tracks adjacent to main track or tracks; and terminal tracks supporting such tracks; bridges, culverts, fills, tunnels, and other structures occupied by such tracks and roadbed; real estate occupied by such tracks and roadbed; and real estate adjacent to such tracks and roadbed needed for drainage of, maintenance of, access to and protection of such tracks and roadbeds; and
(5) "railroad company" means a class I or class II railroad, including switching and terminal companies, as designated by the Interstate Commerce Commission and subject to part I of the Interstate Commerce Act;
(6) "Secretary" means the Secretary of Transportation; and
(7) "system" means the Interstate Railroad System established by this Act.

INVENTORY OF RAIL LINES

Sec. 201. (a) Within thirty days after the date of enactment of this Act, all rail carriers shall provide the Secretary and the Commissioner with the most complete edition of all employees operating timetables, with related special instructions; all temporary and semipermanent "slow Orders" currently in effect; all other current restrictions.
on train operation not included in the preceding items; and a verified statement indicating the highest speeds authorized at any time during the thirty days for freight and passenger trains, including the dates between which such speeds were authorized.

(2) Additions, deletions, and changes in the information required to be provided by subsection (a) shall be promptly forwarded to the respective parties on a continuing basis.

INITIAL DESIGNATION OF SYSTEM

Sec. 202. (a) The Initial Interstate Railroad System shall consist of all rail lines operated by any owner or possessor of rail lines, the design of which was authorized by the Secretary during the thirty days of continuous session of Congress after the initial designation of any additional system, which will be made by the Secretary. Such a system shall be registered with the Secretary of Commerce for the purpose of avoiding the continuity of Interstate Commerce by the Secretary of Commerce, and the registration shall be made by the Secretary of Commerce. The Secretary of Commerce shall make the addition or deletion consistent with the public interest. Approval of a deletion shall not be considered by the Commission as evidence in an abandonment proceeding that service on the line deleted is no longer required by public convenience and necessity.

(b) Requests for deletions from the System on account of an agreement for joint use and maintenance of facilities for such joint use filed under section 301 of this Act, may be made at any time.

ACCESS TO INFORMATION

Sec. 201. All railroad carriers shall provide such information as may be requested by the Secretary or by the Office in connection with the performance of the respective functions under this Act. The Secretary may obtain any such information by subpoena. In case of contumacy by, or refusal to obey a subpoena served on, a railroad carrier under this section, the district court of the United States, upon application by the Attorney General, shall, upon request of the Secretary or the Office, have jurisdiction to issue an order requiring production of the information, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Nothing in this section shall authorize the withholding by the Secretary, the Office, or any railroad carrier of any information from the duly authorized committees of the Congress.

ADDITIONAL EXPENSES

Sec. 206. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sums of $1,000,000, and $500,000.

TITLES III—REHABILITATION, MAINTENANCE, AND MODERNIZATION OF RAIL LINES

MAINTENANCE STANDARDS

Sec. 303. (a) Within one hundred and twenty days after the date of enactment of this Act, the Secretary shall prescribe standards for maintenance of all rail lines. In formulating such standards, the Secretary shall be guided by the recommendations of the rail industry and any other information that may be available to the Secretary. In the establishment of minimum standards for the operation of freight trains in the United States, the Secretary shall have regard for the public interest. The Secretary shall not approve any proposal for the operation of freight trains at speeds in excess of 150 miles per hour.

(b) Rail lines included within the System shall be maintained for smooth and dependable operation of freight trains at speeds not to exceed 125 miles per hour, except for good cause shown, the Secretary may require a standard of maintenance on any given System rail line which will allow higher speeds.

(c) All other rail lines shall be maintained for smooth and dependable operation of freight trains at the highest speeds operated by freight trains on the rail line. Upon application and proof that service to freight shippers will be adversely affected, the Secretary may allow a standard of maintenance on any given non-System rail line that is sufficient for lower speeds than were previously operated.

PERFORMANCE OF WORK

Sec. 302. (a) All rail lines shall be in compliance with standards prescribed in accordance with the provisions of this Act. In order to assure compliance with the expiration of the Act, the expiration of three years following the date of enactment of this Act. (b) Within one hundred eighty days after the expiration of this Act, and thereafter, the Secretary shall have the responsibility of maintaining and improving the operation of all rail lines on a regular basis to assure that all rail lines are kept in good condition in accordance with the standards prescribed by the Secretary. If the Secretary does not believe that the proposed maintenance activities will be adequate, he may require in an appropriate revision of the schedule. Delinquency of any scheduled maintenance activity is hereby prohibited.

PROTECTION OF EMPLOYEES

Sec. 303. (a) No owner or possessor of rail lines shall contract out any project for rehabilitation or maintenance work required by this Act, if the contract is not awarded by competitive bidding. If an owner or possessor of rail lines shall enter into an agreement for the performance of construction work not provided for by this Act, such agreement shall be made in accordance with the provisions of the Davis-Bacon Act. No one shall enter into any construction project for construction work performed by employees in any bargaining unit covered by a labor agreement between such owner or possessor and any labor organization.

(b) Owners and possessors of rail lines shall take such action as may be necessary to ensure that all employees shall be protected by labor agreements so as to preserve the integrity of the labor standards established by the Davis-Bacon Act. No owner or possessor of rail lines shall enter into any construction contract or agreement without at least one full-time labor official to be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act, (40 U.S.C. 332) shall be applicable to all construction work performed under such contracts or agreements, except such construction work performed by employees of a railroad company. Wage rates paid for work performed by employees in any bargaining unit covered by a labor agreement between such owner or possessor and any labor organization shall be considered as being in compliance with the Davis-Bacon Act.

REHABILITATION ASSISTANCE GRANTS

Sec. 304. (a) The Secretary, upon application of a railroad company which he finds—
(1) is unable to finance from its own resources the rehabilitation work required by this Act; and
(2) does not qualify for loan guarantees under section 305 of this title on account of an uncertain ability to repay a guaranteed loan,

shall make rehabilitation assistance grants for the purpose of enabling such railroad company to comply with the provisions of this title, upon such terms and conditions as are necessary to provide for the public interest. Applications shall specify the estimated itemized cost of rehabilitation work to be undertaken under the terms of the grants. Not more than ten per cent of the total grants made within any twelve-month period shall be made to any single company providing controlling affiliates or subsidiaries.

(b) Upon receipt of an application for a rehabilitation assistance grant, the Secretary shall cause a notice of such application to be published in the Federal Register and shall invite and afford interested persons to

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opportunity to submit comments on such application at a proceeding to commence within twenty days of the date of publication of such application. General notice of such proceedings shall be published in the Federal Register. Such notices shall include—

1. a statement of the time, place, and nature of the proceedings; and
2. a description of the subjects and issues involved.

(a) No railroad company which receives a grant under this section shall—

1. spend any of such funds for the purchase or construction of any line of railroad, for the lease or acquisition of any railroad property, for the purchase of any transportation enterprise, or for the purchase of any stock or make any investments in nontransportation enterprises, unless and until the Secretary certifies—

1. that the work to be performed with the proceeds of such grant has been satisfactorily commenced.

(b) that the railroad company is in compliance with section 329(b) of this title regarding ongoing maintenance activities.

(c) A recipient of a grant shall be obligated to spend during each calendar year so long as the required rehabilitation work is not completed, at least as much of its own funds for rehabilitation and maintenance of its rail lines as it spent during calendar year 1978.

(d) The Secretary shall not commit funds under this section beyond those available during the fiscal year in which the applications are made. During succeeding fiscal years the Secretary may consider additional applications in accordance with availability of funds.

(b) There is hereby authorized to be appropriated to the Secretary to remain available until expended for the purposes of section 800,000,000 in each of the years ending June 30, 1975, 1976, and 1977.

REHABILITATION ASSISTANCE LOAN GUARANTEES

Sec. 320. (a) The Secretary is authorized, after application from an owner or possessor of rail lines, to guarantee any lender against loss of principal and interest on securities, obligations, or receipts (including any renewals thereof) issued to finance rehabilitation work required by this Act upon such terms and conditions as the Secretary shall determine, to the extent that such terms and conditions are consistent with the public interest. Applications shall specify the estimated itemized cost of rehabilitation work to be performed with the guarantee, and such guaranteed work shall be performed within forty-five days of the date of such application to the Secretary. The Secretary shall consider the application of the contractor to repay the guaranteed work from funds available in other sources, except from funds available in this Act. The Secretary shall not guarantee work for any contractor who has not performed work in accordance with any prior guaranteed work for such contractor.

(b) The Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and interest rates, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be paid to the Secretary of the Treasury. Redemption of such notes or obligations shall be accomplished by the issuance of such new notes or other obligations as may be determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of similar maturity. The Secretary of the Treasury shall be authorized to issue such notes or other obligations as are necessary to effect such redemption.

(c) The Secretary shall be authorized to guarantee any notes or other obligations issued hereunder and for that purpose he is authorized to use a public debt transaction the proceeds of which may be issued by the Secretary, under the Second Liberty Bond Act, as amended, to pay the interest and principal proceeds incurred by the owner or possessor as a result of such use.

(b) Applications by passenger carriers under this section shall be acted upon by the Commission within ninety days after such application is filed.

MODIFICATION OF EXISTING ARRANGEMENTS

Sec. 240. If under any agreement for the use of any rail line or other facility which is in effect at the time of enactment of this Act, or which is entered into subsequently, a railroad carrier is required to perform services or other obligations in the terms or conditions, including compensation, such party may apply to the Commission for a modification of the terms or conditions of such agreement as may be consistent with section 401.

PROTECTION OF EMPLOYEES

Sec. 403. (a) In connection with any transaction under this title for access to rail lines or other facilities, the carrier shall be required to protect the interests of its respective employees, and no employee of such carrier shall be retained by the carrier or the representatives of its employees, or in the absence of such agreement, as the Commission may determine.
Such protective arrangements shall be included in the order on such request for transaction.

(b) The protective arrangements required by subsection (a) shall be made by the employees from the date first affected against a worsening of their positions with respect to their employment and shall include, without being limited to, provisions as may be necessary (A) to provide for notice and notification and execution of implementing agreements, (B) to effectuate the protective arrangements being affected: Provided, however, That where such implementing agreement has not been completed by the date on which the action became effective either party may submit for binding arbitration uncontrollable questions in connection therewith: Provided further, That the arbitration decision rendered if possible within thirty days thereafter, but if such decision is for any reason delayed beyond said thirty days, the rights of the parties to such arbitration shall not be affected; (B) for the preservation of compensation (including subsequent wage increases), rights, privileges, and benefits, including fringe benefits such as pensions, hospitalization, vacations, and the like, under the same conditions and so long as such benefits continue to be accorded to other employees in similar service or on a furlough as may be required of employees under existing collective-bargaining agreements or otherwise; and (C) to provide for the preservation of the protective arrangements out of the protective arrangements which cannot be settled by the parties. In such event, the carrier shall be obligated to maintain the train as a railroad carrier to prove that the employee was not affected by the action taken. In no event shall any protective arrangements be less than those established pursuant to section 62(2)(f) of the Interstate Commerce Act.

EFFECT ON OTHER APPLICATIONS TO COMMISSION

Sec. 604. In passing upon any application by the Secretary for compliance with this Act, that the increase in the division of revenues, or other financial relief, the Commission shall consider, and shall be lawful, the extent to which the railroad carrier has availed itself of the provisions of this title to effect economies and efficiencies in the operation of the railroad and in granting such application in whole or in part, the Commission may condition such relief on the filing of an appropriate application under this title.

TITLE V—REPORTS, ADMINISTRATION, AND ENFORCEMENT

BOOKS AND RECORDS

Sec. 501. All books, records, papers and documents relating to or connected with the activities and finances under this Act for the previous quarter. Such report shall include, but not be limited to, the amount and location of new and existing lines, the amount of lines either new or existing and the number and location of new and existing lines, and the number and location of new and existing lines, and any costs and other expenses incurred in connection with such report.

EVIDENCE IN DIVISION CONTROVERSY

Sec. 602. For a period of five years following the date of enactment of this Act, evidence that the operating expenses of any railroad carrier were reduced as a consequence of any direct or indirect assistance provided by this Act shall not be admissible as evidence before the Commission in any controversy involving the division of revenues.

SEPARABILITY

Sec. 603. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

AMENDMENT OF OTHER LAWS

Sec. 604. (a) Section 3(5) of the Interstate Commerce Act (49 U.S.C. 3(5)) is hereby repealed.

(b) Section 2(2) of such Act is amended by striking out the semicolon and "or" at the end of clause (1) and inserting in lieu thereof a period and by striking out clause (2).

Section 5—Section Analysis of "Inter-State Railroad Act of 1974":

Title I—Findings, Purposes, and Definitions

(1) Congressional Findings and Declaration of Purpose—Sends forth the reasons why modern rail service is needed; the problems affecting rail service on account of the lack of modern, efficient and enterprising service that “to obtain modern and efficient rail service it is necessary to designate a national network of essential railroad lines, to require ‘minimum standards’ of maintenance for rail lines, to provide federal aid for rehabilitation of railroad lines, and to establish rights of access by railroad lines to rights they do not own."

Section 102. Definitions—Self-explanatory

TITLE II—INTERSTATE RAILROAD SYSTEM

Section 201. Inventory of Rail Lines—Requires railroads to supply basic information on track, signal, and overhead facilities to the Secretary of Transportation and the Interstate Commerce Commission.

Section 202. Recommendations of System—Requires the Secretary of Transportation to provide a map of high-density rail lines throughout the United States, which lines are selected to be the "initial" Interstate Railroad System.

Section 203. Hearings by Commission—Requires the Administration to Planning Office of the ICC to hold public hearings on the "initial" System.

Section 204. Recommendations of Commission—Calls on the RSPO to submit to the Secretary its recommendations for additions and deletions to and from the "initial" System.

Section 205. Final Designation of System—Calls on the Secretary to prepare and submit to the Congress a report setting forth the final Interstate Railroad System, which becomes effective in sixty days unless the Congress passes a resolution of disapproval, in which event the report must be reissued and resubmitted.

Section 206. Modification of System—Allows the Secretary to make additions and deletions from the System on or after five years after it is designated, with the exception of requests for deletions arising out of track rights arrangements, which may be made at any time.

Section 207. Access to Information—Empowers the Secretary and the ICC to obtain necessary information relating to their respective functions from railroad companies.

Section 208. Federal Responsibility—Authorizes $1,000,000 each to the Secretary and to the ICC for expenses in connection with the process of designation of the System.

TITLE III—MAINTENANCE AND MAINTENANCE OF RAIL LINES

Section 301. Maintenance Standards—Requires the Secretary to set maintenance standards for rail lines in accordance with "preferred or recommended practices from an engineering and economic standpoint as distinct from minimum requirements for safety." Interstate System lines must be maintained for smooth and dependable 60 MPH freight operation; other lines for smooth and safe freight operation at the highest speeds previously authorized.

Section 302. Performance of Work—Requires compliance with standards within thirty days of enactment; prohibits deferred maintenance.

Section 303. Protection of Employees—Limits "contracting out" of maintenance or rehabilitation work; applies Davis-Bacon Act to contracted work.

Section 304. Rehabilitation Assistance Grants—Provides Federal grants of $500 million per year for three years for performance of required rehabilitation work by railroads which have insufficient resources of their own to repay a granted loan. The payment of dividends and the making of non-transportation investments would be prohibited until the work was completed. The rehabilitation grants would be required to spend at least as much in successive years on maintenance of their own tracks as was spent during the first year.

Section 305. Rehabilitation Assistance Loan Guarantees—Authorizes $1 billion in Federal loan guarantees for performance of required rehabilitation work. The amount of loan guarantees could not increase dividends nor make non-transportation investments until the loans were repaid.

Section 306. Relocation of Rail Lines—Reconstruction Grants—Provides Federal grants of up to $10 million a year for reconstruction of rail lines destroyed by natural disasters such as floods.

Section 307. Research and Development—Provides $10 million per year for three years to the Secretary for research and development of covered trains and roads.

Section 308. Long-Term Plan Improvement Needs—Calls on the Secretary and the Army Engineers to make a two year study of long-term plan for the improvement of signal systems, line relocation, tunneling, grade crossing elimination, and electrification; seeks authorization for appropriation for this purpose of $3 million.

TITLE IV—ACCESS TO RAIL LINES AND FACILITIES

Section 401. Authority to Order Access—Empowers the ICC to order a railroad to allow another railroad to use its track and facilities upon payment of fair compensation, which in the case of passenger cars or freight services may be an incremental cost.

Section 402. Modification of Existing Agreements—Allows parties to existing track and facility agreements to apply to ICC for a modification of the terms and conditions thereof.

Section 403. Protection of Employees—Provides for other benefits for employees who may be adversely affected by joint track and facility arrangements.

Section 404. Effect on Other Appellations—Requires the ICC to consider the extent to which railroads have availed themselves of the potential economies of joint track and facility arrangements when they apply for higher freight rates, etc.

TITLE V—BOOKS, RECORDS, ADMINISTRATION, AND ENFORCEMENT

Section 501. Books and Records—Requires that all records of the Secretary relating to this Act be open to public inspection.

Section 502. Quarterly and Annual Reports—Requires the Secretary to make comprehensible reports on his activities under the Act and on the maintenance activities and state of compliance of the railroads.

Section 503. Advisory Committee—Sets up an Advisory Committee to report to the Secretary and to the Congress on the effectiveness of the Act in achieving its objectives.

Section 504. Inspection and Investigation—Empowers the Secretary to inspect and investigate railroads in furtherance of his duties under the Act.

Section 505. Right to Court Orders—Authorizes Secretary to issue orders enforcing the provisions of the Act.

Section 506. Penalties—Provides civil penalties of up to $10,000 a day against railroads violating the Act.

Section 507. Subpoenas in Court Actions—Allows subpoenas to run into any Federal court to enforce the Act.

Section 508. Other Rights and Liabilities Reserved—Preserves whatever legal relief is available under other Acts.

Section 509. Administrative Expenses—Authorizes $10 million a year for the Secretary's expenses under the Act.

TITLE VI—MISCELLANEOUS PROVISIONS

Section 601. Anti-Trust Exemption—Relieves parties to joint track and facility arrangements from the provisions of the anti-trust laws.

Section 602. Evidence in Divisions Controversies—Protects rail carriers who achieve economies by virtue of this Act from being adversely affected on that account in division of revenue controversies.

Section 603. Seaward—Self-explanatory.

Section 604. Amendment of Other Laws—Eliminates provisions of the Interstate Commerce Act prohibiting voluntary track and facilities use agreements, and giving the ICC power to order joint terminal arrangements on its own motion.