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mandatory requirement that the airlines conduct the Government-required physical examinations. The Air Transport Association, representing the Nation's scheduled airlines, has studied this question thoroughly and has concluded that the notice of proposed rulemaking is without statutory foundation or authority and could possibly be in violation of the fifth amendment of the Constitution. The basic legal question involved is whether the FAA Administrator can delegate a function which is clearly his under the law, to persons unwilling to accept that responsibility.

It is interesting to note that the Federal Air Surgeon seeks to effect a change in a long-standing medical examination policy which he clearly supported several years ago. On July 1, 1966, he issued a medical bulletin to all aviation medical examiners to remind them that—

Physicians employed by or consultants to airline carriers and designated as Aviation Medical Examiners are not permitted to conduct FAA physical examinations on pilots or other flight crew members by their same company.

He added that—

The purpose of the adoption of this policy was to avoid any dual affiliation, conflict of interest and/or any adverse public criticism.

It is perfectly obvious to all that there is a great need for objectivity in the medical certification of airline pilots. Travelers aboard an airliner have every right to believe that their pilots have been examined by a physician who is completely unbiased in his judgment about their ability to function properly on the job. No physician acting in the public interest should be asked to serve the Government on one hand, the airline on another, and the pilot on still another. No human being, even a physician, would be free of the potential for conflicting pressures which would inevitably cause medical judgments to be warped in some way.

In recent newspaper accounts, the Federal Air Surgeon, Dr. Peter V. Siegel, is quoted as saying that some airline pilots suffering from serious ailments are escaping detection during FAA examinations and that "to get rid of the bad apples, the Government revokes 10 to 12 medical examiner certificates a year, and lets about 100 others lapse." The inference is that a few doctors are not doing their jobs under the program he administers and that he must fire them.

There are more than 2,100 medical examiners who are authorized to give airline pilot physical exams. The Nation's 35,000 airline pilots can go to any of them. Presumably they are all qualified or they would not be given the privilege. The Federal air surgeon has the tools to get rid of them if they do not perform according to the regulations and, to his credit, he does just that. Undoubtedly, he is ill at ease about this, because it places him in the position of telling his medical colleagues that some of them do not measure up to his standards.

To solve his problem of management of the aviation medical examiners under his supervision, the Federal air surgeon now wishes to pass the problem to the airlines. Failing that, there is only one other direction that he can go and

that is for Government-paid physicians to perform the medical certification task—physicians who would man extensive federally supported examination facilities. Thus, the entire burden of examining 35,000 airline pilots would be borne by the taxpayers.

Since the FAA seems intent upon changing the medical certification system despite the strong opposition to it by the airlines, their pilots, and the aerospace physicians, it is necessary that legislation be enacted that would prohibit the FAA from making such an arbitrary move which has no reasonable basis. Accordingly I am today proposing legislation in the public interest which will expressly prohibit the Federal Aviation Administration from requiring the airlines to conduct the Government's medical certification of airline pilots. Further, this legislation will prohibit the Government from setting up and operating medical examination facilities for this function. In short, I respectfully propose that the medical certification now in effect remain unchanged. This legislation will assure the air traveler that the pilots of his aircraft are in top physical condition.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 314(a) of the Federal Aviation Act of 1958 [49 U.S.A. 1355(a)] is amended by inserting immediately after the first sentence the following new sentence: "In exercising his authority under this Act to determine medical qualifications of airmen, the Secretary shall not delegate any part of his authority to an employee of any air carrier or to any person performing medical services on a contractual or regular consulting basis for any air carrier, but shall provide that such determination be made only by private physicians under appropriate arrangements."

By Mr. MONDALE:

S.J. Res. 153. Joint resolution establishing an independent commission to conduct a study of the Executive Office of the President and to make recommendations for reforms to increase cooperation between that Office and the Congress, to restore a balance of power between the executive and legislative branches of the Government, and to increase the accountability of the Executive Office of the President to the Congress and the public. Referred to the Committee on Government Operations.

Mr. MONDALE. Mr. President, today I am introducing a joint resolution to establish a Commission on the Executive Office of the President.

In remarks earlier today, I outlined the reasons why I believe this commission is essential to take a careful, long-range view at the institution of the Presidency and recommend reforms which will make the institution of the Presidency more responsive and responsible to the Congress and the people.

I ask unanimous consent that the text

of this resolution be printed in the RECORD at the conclusion of my remarks.

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

S.J. RES. 153

Whereas, our Constitutional government relies on a balance of power between the various branches of government; and

Whereas, this balance fosters the accountability of both the Executive and Legislative branches to the American people; and

Whereas, in recent years substantial questions have been raised relating to the need for means to assure the preservation of the balance of power among the branches of government; and

Whereas, the Legislative and Executive branches must cooperate effectively to maintain this balance; and

Whereas, the growth in size and power of the Executive Office of the President has been a major factor in causing an imbalance of power between the Executive and Legislative branches; and

Whereas, participation from the Legislative and Executive branches, as well as from the general public, is advisable to assess the need for reforms to restore a balance of power between the Executive and Legislative branches and to insure the accountability of the Executive Office of the President to the public; Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Commission on the Executive Office of the President Act of 1973".

SEC. 2. There is hereby established an independent commission to be known as the Commission on the Executive Office of the President (hereinafter referred to as the "Commission").

SEC. 3. The Commission shall—

(1) examine the historical growth of the Executive Office of the President, the reasons for such growth, and the effects thereof on the relationship between the Executive and Legislative branches of government;

(2) analyze the current functioning of the Executive Office of the President as it relates to the Cabinet departments, the other components of the Executive branch, and the Congress;

(3) examine the historical and current extent of the use of the doctrine of executive privilege by members of the Executive Office of the President, in particular as it relates to refusals to testify before the Congress, and the effect of such usage on the relationship between the Executive and Legislative branches of government;

(4) evaluate those offices within the Executive Office of the President for which it would be advisable to seek, by legislation, the requirement of advice and consent of the Senate of the United States;

(5) evaluate the use by the Executive Office of the President of individuals detailed from Executive branch departments and agencies, and the impact of individuals so detailed on the growth in personnel and power of the Executive Office of the President; and

(6) inquire into such other matters relating to the structure and functioning of the Executive Office of the President as the Commission deems advisable.

SEC. 4. The Commission shall, in accordance with section 10(a), make recommendations for such legislation, constitutional amendments, or other reforms as its findings indicate, and in its judgment are desirable, to promote cooperation between the Executive Office of the President and the Congress, to restore a balance of power between the Executive and Legislative branches of the government, and to insure the accountabil-

ity of the Executive Office of the President to the Congress and the American people.

SEC. 5. (a) The Commission shall consist of the following members:

(1) four Members of the Senate, two from each of the major political parties, appointed by the President of the Senate, as recommended by the majority and minority leaders;

(2) four Members of the House of Representatives, two from each of the major political parties, appointed by the Speaker of the House of Representatives; and

(3) eight individuals appointed by the President of the United States—

(A) two of whom shall be individuals currently serving in the Executive Office of the President, and two of whom shall be individuals who have served in that Office but are no longer serving as an officer or employee of the government; and

(B) four of whom shall be selected from the general public on the basis of their experience and expertise in public service or political science.

Not more than two of the four individuals appointed pursuant to paragraph (A) or (B) of paragraph (3) shall be members of the same political party.

(b) The Chairman and Vice Chairman, who shall not be affiliated with the same political party, shall be designated by the Commission from among the members of the Commission.

SEC. 6. (a) Members of the Commission who are Members of Congress or are officers or employees in the Executive Office of the President shall serve without compensation in addition to that received for their services as a Member of Congress or as such an officer or employee; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President (other than a member to whom subsection (a) applies) is entitled to pay at the daily equivalent of the annual rate of basic pay of level III of the Executive Schedule for each day he is engaged on the work of the Commission, and is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of title 5, United States Code.

SEC. 7. The Commission shall adopt rules of procedure to govern its proceedings. Vacancies on the Commission shall not affect the authority of the remaining members to continue with the Commission's activities, and shall be filled in the same manner as the original appointments.

SEC. 8. (a) The Commission, or any members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to its study. In connection therewith the Commission is authorized to pay witnesses travel, lodging, and subsistence expenses.

(b) The Commission may acquire directly from the head of any Federal executive department or agency or from the Congress, available information which the Commission deems useful in the discharge of its duties. All Federal executive departments and agencies and the Congress shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law and the Constitution of the United States.

(c) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(d) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on

its staff and make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this joint resolution.

SEC. 9. (a) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service but otherwise in accordance with General Schedule pay rates, appoint and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission.

(b) The Commission may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the rate authorized for GS-18 under the General Schedule.

(c) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, on a reimbursable basis, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

SEC. 10. (a) The Commission shall submit to the Congress and the President such interim reports and recommendations as it considers appropriate, and the Commission shall make a final report of the results of the study conducted by it pursuant to this joint resolution, together with its findings and such legislative proposals as it deems necessary or desirable, to the Congress and the President at the earliest practicable date, but no later than January 1, 1975.

(b) Ninety days after submission of its final report, as provided in subsection (a) above, the Commission shall cease to exist.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by section 10(b).

By Mr. PELL:

S.J. Res. 154. A joint resolution to designate October 23, 1973, as "National Film Day." Referred to the Committee on the Judiciary.

Mr. PELL. Mr. President, I am pleased today to introduce a joint resolution calling upon the President to issue a proclamation in observance of October 23 as "National Film Day." An identical resolution is being introduced in the House of Representatives by Representative JOHN BRADEMAS.

Motion pictures have had a tremendous influence on our culture and for more than 50 years have entertained, enlightened, and amused us.

Motion pictures—or the movies—as we have often called them, have joined the legitimate theater as a true art form, and in so doing, have spread around the world to be seen in every country, on commercial aircraft, aboard ships at sea, and even on the ocean floor itself on submarines.

Truly, no visual medium with the exception of the written word has a longer and more profound impact on all of mankind than motion pictures.

So, I believe it is truly fitting and right to designate a day as "National Film Day."

The National Association of Theater Owners representing the vast majority of film houses in the country will participate in "National Film Day" and contribute 50 percent of their revenues of that day to the work of the American Film Institute.

The American Film Institute, which was created in 1967 as a nonprofit organization, is supported jointly by the National Endowment for the Arts and the motion picture industry. It has two major goals—developing new American film makers and enriching public appreciation for motion pictures.

As one who introduced legislation in the Senate which led to the establishment of Federal support for cultural endeavors through the creation of the National Endowment for the Arts, and as one who has chaired the Special Senate Subcommittee on Arts and Humanities since its inception, I am pleased and proud to introduce this legislation. I urge my colleagues to join in cosponsorship and support of it. And, I do hope that the President will in turn proclaim October 23 as "National Film Day" and that our country will give its wholehearted support to one of our Nation's most outstanding cultural assets—the film industry.

ADDITIONAL COSPONSORS OF BILLS

S. 863

At the request of Mr. EAGLETON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 863, the Cosmetic Safety Act.

S. 1283

At the request of Mr. ROBERT C. BYRD for Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1283, the National Energy Research and Development Policy Act of 1973.

S. 1737

Mr. ERVIN. Mr. President, I am pleased to announce that the following Senators have joined in cosponsoring S. 1737, a bill I introduced to put an end to the senseless forced busing of schoolchildren and to prohibit unwarranted Federal interference with the Nation's public school systems; Senator JAMES EASTLAND, of Mississippi; Senator HERMAN TALMADGE, of Georgia; Senator SAM NUNN, of Georgia; Senator JOHN TOWER, of Texas; Senator ERNEST HOLLINGS, of South Carolina; Senator JOHN McCLELLAN, of Arkansas; and Senator STROM THURMOND, of South Carolina. Senator JIM ALLEN, of Alabama, and Senator JESSE HELMS, of North Carolina, have previously been added as cosponsors of this legislation.

S. 1971

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1971, a bill to increase certain penalties for offenses involving the unlawful distribution of certain narcotic drugs, and for other purposes.