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 and recommends 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 Federal Aviation Administrator has delegated a function which is clearly his under the law, to persons unwilling to accept that responsibility.

It is interesting to note that the Federal Aviation Administration has been 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 airlines carriers and designated as Aviation Medical Examiners are not permitted to conduct FAA physical examinations on pilots or 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 examination of airline pilots. Pilots 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 might lead to the making of 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 who are suffering from serious ailments are escaping detection during FAA exams.

There are more than 2,100 medical examiners who are authorized to give airline pilot physical exams. The Nation's 35,000 airline pilots are among 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 successfully. Judgments favorable 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 this 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 expensive federally supported examination facilities. Thus, the entire burden of examining the 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 aeronautical industry, this legislation be enacted which 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 directing the aircraft owner to provide 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 item 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. 2436

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.C. 1355(a)) is amended by inserting immediately after the following new sentence: "In exercising his authority under this Act to determine medical qualifications of airmen, the Secretary shall not delegate to any other Federal agency the medical certification of airline pilots. Further, this legislation will prohibit the Government from directing the aircraft owner to provide medical examination facilities for this function."

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. 1. 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. 2. There is hereby established an independent commission to be known as the Commission on 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 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;

(4) 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;

(5) evaluate the use by Executive Office of the President of individuals detailed from Executive branch departments and agencies and the effect of such use 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 314(a), make recommendations for means to assure the preservation of the balance of power among the branches of government; and

Whereas, participation from the Legislative and Executive branches, as well as from the general public, is essential 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

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(6) inquire into such other matters relating to the structure and functioning of the Executive Office of the President as the Commission deems advisable.
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 has been 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 rivers, and even on the ocean floor itself at 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 turn 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 busying of school children 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 for offenses on unlawful distribution of certain narcotic drugs, and for other purposes.