

MEMORANDUM FOR:

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DFM

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RAM

FYI--LLM's note "Precedent for
DCI term"

Daily Digest

HIGHLIGHTS

Senate passed sundry bills.
House passed 31 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S 18345-S 18408

Bills Introduced: One bill and three resolutions were introduced, as follows: S. 4094; S. Con. Res. 117; and S. Res. 421-422.

Pages S 18345, S 18370-S 18371, S 18373-S 18374

Bills Reported: Reports were made as follows:

Filed after adjournment of the Senate on Friday, October 4:

H.R. 14217, proposing numerous boundary adjustments and providing for ceiling increases in certain units of the national park system, with amendments (S. Rept. 93-1232);

H.R. 13157, to establish six new units within the national park system, with amendments (S. Rept. 93-1233);

H.R. 7730, authorizing purchase of property located within the San Carlos, Ariz., mineral strip, with an amendment (S. Rept. 93-1234);

H.R. 3903, conveying certain land in the State of Michigan to the Wisconsin Michigan Power Co. (S. Rept. 93-1235);

S.J. Res. 237, authorizing the continued use of certain lands within the Sequoia National Park, Calif., for a hydroelectric project (S. Rept. 93-1236);

Filed on Monday, October 7:

Conference Report on S. 3044, to provide for public financing of Federal primary and general election campaigns (S. Rept. 93-1237);

Conference report on H.R. 11537, to extend and expand authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands (S. Rept. 93-1238);

S. 3514, to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships, with an amendment (S. Rept. 93-1239);

Conference report on H.R. 12628, to increase training benefits and to improve educational programs for Vietnam era veterans (S. Rept. 93-1240);

Conference report on S. 628, to eliminate the annuity reduction made during periods when the annuitant is not married in order to provide a surviving spouse with an annuity (S. Rept. 93-1241);

Page S 18370

D 1196

Amendments submitted for printing:

Pages S 18374-S 18375

Message From the House: One message was received from the House today.

Pages S 18369-S 18370

Bills Passed:

National emergencies: Senate passed and sent to the House S. 3957, to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies, after agreeing to Mathias amendment in the nature of a substitute bill.

Pages S 18356-S 18357

International House: Senate took from desk and agreed to S. Res. 421, commending International House, New York City, on the service which it performs, and extending congratulations on the occasion of its Golden Jubilee Anniversary.

Page S 18345

Hazardous materials: Committee on Commerce was discharged from further consideration of H.R. 15223, strengthening the laws governing the transportation of hazardous materials, and by unanimous vote of 69 yeas, the bill was then passed after striking all after the enacting clause and inserting in lieu thereof provisions of Senate companion bill, S. 4057, prior to which Senate had adopted two amendments proposed thereto, as follows:

(1) Hathaway amendment to require the naming of a new Chairman of the National Transportation Safety Board by April 1, 1975 (instead of January 1, 1975), and who would be subject to Senate confirmation; and

Page S 18411

(2) Hartke amendment of a clerical nature.

Page S 18416

S. 4057 was then indefinitely postponed.

Page S 18425

Pages S 18408-S 18418, S 18424-S 18431

FBI Director: By unanimous vote of 70 yeas, Senate passed S. 2106, providing a 10-year term for the Director of the Federal Bureau of Investigation, after taking action on amendments proposed thereto as follows:

Adopted:

(1) By 63 yeas to 8 nays, Robert C. Byrd amendment limiting to one 10-year term the period which an FBI Director may serve;

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CONGRESSIONAL RECORD

| | Office No. | | Office No. | | Office No. |
|-----------------------------------------------------|---------------|---------------------------------------------------------|---------------|---------------------------------------------|---------------|
| <i>Mathias, Robert B. (Bob) (Calif.)</i> ----- | 1114 | <i>Roush, J. Edward (Ind.)</i> ----- | 2400 | <i>Winn, Larry, Jr. (Kans.)</i> ----- | 434 |
| <i>Mathis, Dawson (Ga.)</i> ----- | 1336 | <i>Rousselot, John H. (Calif.)</i> ----- | 1706 | <i>Wolff, Lester L. (N.Y.)</i> ----- | 2463 |
| <i>Matsunaga, Spark M. (Hawaii)</i> ----- | 442 | <i>Roy, William R. (Kans.)</i> ----- | 1110 | <i>Won Pat, Antonio Borja* (Guam)</i> ----- | 216 |
| <i>Mayne, Wiley (Iowa)</i> ----- | 107 | <i>Roybal, Edward R. (Calif.)</i> ----- | 2404 | <i>Wright, Jim (Tex.)</i> ----- | 2459 |
| <i>Mazzoli, Romano L. (Ky.)</i> ----- | 1017 | <i>Runnels, Harold (N. Mex.)</i> ----- | 1728 | <i>Wyatt, Wendell (Oreg.)</i> ----- | 2438 |
| <i>Meeds, Lloyd (Wash.)</i> ----- | 2552 | <i>Ruppe, Philip E. (Mich.)</i> ----- | 203 | <i>Wylder, John W. (N.Y.)</i> ----- | 2334 |
| <i>Melcher, John (Mont.)</i> ----- | 1641 | <i>Ruth, Earl B. (N.C.)</i> ----- | 129 | <i>Wyllie, Chalmers P. (Ohio)</i> ----- | 137 |
| <i>Metcalfe, Ralph H. (Ill.)</i> ----- | 122 | <i>Ryan, Leo J. (Calif.)</i> ----- | 1113 | <i>Wyman, Louis C. (N.H.)</i> ----- | 410 |
| <i>Mezvisky, Edward (Iowa)</i> ----- | 1404 | <i>St Germain, Fernand J. (R.I.)</i> ----- | 2186 | <i>Yates, Sidney R. (Ill.)</i> ----- | 2234 |
| <i>Michel, Robert H. (Ill.)</i> ----- | 2112 | <i>Sandman, Charles W., Jr. (N.J.)</i> ----- | 115 | <i>Yatron, Gus (Pa.)</i> ----- | 313 |
| <i>Millford, Dale (Tex.)</i> ----- | 427 | <i>Sarasin, Ronald A. (Conn.)</i> ----- | 511 | <i>Young, Andrew (Ga.)</i> ----- | 1533 |
| <i>Miller, Clarence E. (Ohio)</i> ----- | 128 | <i>Sarbanes, Paul S. (Md.)</i> ----- | 317 | <i>Young, C. W. Bill (Fla.)</i> ----- | 426 |
| <i>Mills, Wilbur D. (Ark.)</i> ----- | 1136 | <i>Satterfield, David E. III (Va.)</i> ----- | 2348 | <i>Young, Don (Alaska)</i> ----- | 1210 |
| <i>Minish, Joseph G. (N.J.)</i> ----- | 2162 | <i>Scherie, William J. (Iowa)</i> ----- | 512 | <i>Young, Edward (S.C.)</i> ----- | 516 |
| <i>Mink, Patsy T. (Hawaii)</i> ----- | 2338 | <i>Schneebeli, Herman T. (Pa.)</i> ----- | 1386 | <i>Young, John (Tex.)</i> ----- | 2419 |
| <i>Minshall, William E. (Ohio)</i> ----- | 2243 | <i>Schroeder, Patricia (Colo.)</i> ----- | 1313 | <i>Young, Samuel H. (Ill.)</i> ----- | 226 |
| <i>Mitchell, Donald J. (N.Y.)</i> ----- | 1527 | <i>Sebelius, Keith G. (Kans.)</i> ----- | 1225 | <i>Zablocki, Clement J. (Wis.)</i> ----- | 2184 |
| <i>Mitchell, Parren J. (Md.)</i> ----- | 414 | <i>Seiberling, John F. (Ohio)</i> ----- | 1234 | <i>Zion, Roger H. (Ind.)</i> ----- | 1226 |
| <i>Mizell, Wilmer (Vinegar Bend)</i> (N.C.)----- | 235 | <i>Shipley, George E. (Ill.)</i> ----- | 237 | <i>Zwach, John M. (Minn.)</i> ----- | 1502 |
| <i>Moakley, Joe (Mass.)</i> ----- | 238 | <i>Shoup, Dick (Mont.)</i> ----- | 1127 | | |
| <i>Mollohan, Robert H. (W. Va.)</i> ----- | 3:9 | <i>Shriver, Garner E. (Kans.)</i> ----- | 2209 | | |
| <i>Montgomery, G. V. (Sonny) (Miss.)</i> ----- | 208 | <i>Shuster, E. G. (Pa.)</i> ----- | 1116 | | |
| <i>Moorhead, Carlos J. (Calif.)</i> ----- | 1208 | <i>Sikes, Robert L. F. (Fla.)</i> ----- | 2269 | | |
| <i>Moorhead, William S. (Pa.)</i> ----- | 247 | <i>Sisk, B. F. (Calif.)</i> ----- | 2313 | | |
| <i>Morgan, Thomas E. (Pa.)</i> ----- | 2113 | <i>Skubitz, Joe (Kans.)</i> ----- | 2447 | | |
| <i>Mosher, Charles A. (Ohio)</i> ----- | 2442 | <i>Slack, John M. (W. Va.)</i> ----- | 2230 | | |
| <i>Moss, John E. (Calif.)</i> ----- | 2354 | <i>Smith, Henry P., III (N.Y.)</i> ----- | 2331 | | |
| <i>Murphy, John M. (N.Y.)</i> ----- | 2235 | <i>Smith, Neal (Iowa)</i> ----- | 2458 | | |
| <i>Murphy, Morgan F. (Ill.)</i> ----- | 1108 | <i>Snyder, Gene (Ky.)</i> ----- | 306 | | |
| <i>Murtha, John P. (Pa.)</i> ----- | 1331 | <i>Spence, Floyd (S.C.)</i> ----- | 120 | | |
| <i>Myers, John T. (Ind.)</i> ----- | 103 | <i>Staggers, Harley C. (W. Va.)</i> ----- | 2366 | | |
| <i>Natcher, William H. (Ky.)</i> ----- | 2333 | <i>Stanton, J. William (Ohio)</i> ----- | 2448 | | |
| <i>Nedzi, Lucien N. (Mich.)</i> ----- | 2413 | <i>Stanton, James V. (Ohio)</i> ----- | 1107 | | |
| <i>Nelsen, Ancher (Minn.)</i> ----- | 2321 | <i>Stark, Fortney H. (Pete) (Calif.)</i> ----- | 1034 | | |
| <i>Nichols, Bill (Ala.)</i> ----- | 1031 | <i>Steed, Tom (Okla.)</i> ----- | 2405 | | |
| <i>Nix, Robert N. C. (Pa.)</i> ----- | 2201 | <i>Steele, Robert H. (Conn.)</i> ----- | 227 | | |
| <i>Obeys, David R. (Wis.)</i> ----- | 303 | <i>Steelman, Alan (Tex.)</i> ----- | 437 | | |
| <i>O'Brien, George M. (Ill.)</i> ----- | 423 | <i>Steiger, Sam (Ariz.)</i> ----- | 126 | | |
| <i>O'Hara, James G. (Mich.)</i> ----- | 224 | <i>Steiger, William A. (Wis.)</i> ----- | 1025 | | |
| <i>O'Neill, Thomas P., Jr. (Mass.)</i> ----- | 223 | <i>Stephens, Robert G., Jr. (Ga.)</i> ----- | 2410 | | |
| <i>Owens, Wayne (Utah)</i> ----- | 222 | <i>Stokes, Louis (Ohio)</i> ----- | 315 | | |
| <i>Parris, Stanford E. (Va.)</i> ----- | 509 | <i>Stratton, Samuel S. (N.Y.)</i> ----- | 2466 | | |
| <i>Passman, Otto E. (La.)</i> ----- | 2108 | <i>Stubblefield, Frank A. (Ky.)</i> ----- | 2228 | | |
| <i>Patman, Wright (Tex.)</i> ----- | 2321 | <i>Stuckey, W. S. (Bill), Jr. (Ga.)</i> ----- | 223 | | |
| <i>Patten, Edward J. (N.J.)</i> ----- | 2332 | <i>Studds, Gerry E. (Mass.)</i> ----- | 1511 | | |
| <i>Pepper, Claude (Fla.)</i> ----- | 432 | <i>Sullivan, Leonor K. (Mrs. John B.)</i> (Mo.)----- | 2221 | | |
| <i>Perkins, Carl D. (Ky.)</i> ----- | 2366 | <i>Symington, James W. (Mo.)</i> ----- | 307 | | |
| <i>Pettis, Jerry L. (Calif.)</i> ----- | 341 | <i>Symms, Steven D. (Idaho)</i> ----- | 1410 | | |
| <i>Peyser, Peter A. (N.Y.)</i> ----- | 1133 | <i>Talcott, Burt L. (Calif.)</i> ----- | 1524 | | |
| <i>Pickle, J. J. (Tex.)</i> ----- | 231 | <i>Taylor, Gene (Mo.)</i> ----- | 1221 | | |
| <i>Pike, Otis G. (N.Y.)</i> ----- | 2428 | <i>Taylor, Roy A. (N.C.)</i> ----- | 2233 | | |
| <i>Poage, W. R. (Tex.)</i> ----- | 2107 | <i>Teague, Olin E. (Tex.)</i> ----- | 2311 | | |
| <i>Podell, Bertram L. (N.Y.)</i> ----- | 204 | <i>Thompson, Frank, Jr. (N.J.)</i> ----- | 2246 | | |
| <i>Powell, Walter E. (Ohio)</i> ----- | 1532 | <i>Thomson, Vernon W. (Wis.)</i> ----- | 2305 | | |
| <i>Preyer, Richardson (N.C.)</i> ----- | 316 | <i>Thone, Charles (Neb.)</i> ----- | 1531 | | |
| <i>Price, Melvin (Ill.)</i> ----- | 2468 | <i>Thornton, Ray (Ark.)</i> ----- | 1109 | | |
| <i>Price, Robert (Tex.)</i> ----- | 430 | <i>Tiernan, Robert O. (R.I.)</i> ----- | 417 | | |
| <i>Pritchard, Joel (Wash.)</i> ----- | 506 | <i>Towell, David (Nev.)</i> ----- | 1206 | | |
| <i>Quie, Albert H. (Minn.)</i> ----- | 2182 | <i>Traxler, Bob (Mich.)</i> ----- | 1238 | | |
| <i>Quillen, James H. (Jimmy) (Tenn.)</i> ----- | 102 | <i>Treen, David C. (Lu.)</i> ----- | 1408 | | |
| <i>Railsback, Tom (Ill.)</i> ----- | 218 | <i>Udall, Morris K. (Ariz.)</i> ----- | 1424 | | |
| <i>Randall, Wm. J. (Mo.)</i> ----- | 2431 | <i>Ullman, Al (Oreg.)</i> ----- | 2207 | | |
| <i>Rangel, Charles B. (N.Y.)</i> ----- | 230 | <i>Van Deerlin, Lionel (Calif.)</i> ----- | 2427 | | |
| <i>Rarick, John R. (La.)</i> ----- | 1525 | <i>Vander Jagt, Guy (Mich.)</i> ----- | 1211 | | |
| <i>Rees, Thomas M. (Calif.)</i> ----- | 1112 | <i>Vander Veen, Richard F. (Mich.)</i> ----- | 1118 | | |
| <i>Regula, Ralph S. (Ohio)</i> ----- | 1729 | <i>Vanik, Charles A. (Ohio)</i> ----- | 2371 | | |
| <i>Reid, Ogden R. (N.Y.)</i> ----- | 240 | <i>Veysey, Victor V. (Calif.)</i> ----- | 1227 | | |
| <i>Reuss, Henry S. (Wis.)</i> ----- | 2186 | <i>Vigorito, Joseph P. (Pa.)</i> ----- | 440 | | |
| <i>Rhodes, John J. (Ariz.)</i> ----- | 2310 | <i>Waggonner, Joe D., Jr. (La.)</i> ----- | 221 | | |
| <i>Riegle, Donald W., Jr. (Mich.)</i> ----- | 438 | <i>Waldie, Jerome R. (Calif.)</i> ----- | 408 | | |
| <i>Rinaldo, Matthew J. (N.J.)</i> ----- | 1513 | <i>Walsh, William F. (N.Y.)</i> ----- | 415 | | |
| <i>Roberts, Ray (Tex.)</i> ----- | 2455 | <i>Wampler, William C. (Va.)</i> ----- | 323 | | |
| <i>Robinson, J. Kenneth (Va.)</i> ----- | 418 | <i>Ware, John (Pa.)</i> ----- | 425 | | |
| <i>Robison, Howard W. (N.Y.)</i> ----- | 2330 | <i>Whalen, Charles W., Jr. (Ohio)</i> ----- | 1035 | | |
| <i>Rodino, Peter W., Jr. (N.J.)</i> ----- | 2462 | <i>White, Richard C. (Tex.)</i> ----- | 401 | | |
| <i>Roe, Robert A. (N.J.)</i> ----- | 1007 | <i>Whitehurst, G. William (Va.)</i> ----- | 424 | | |
| <i>Rogers, Paul G. (Fla.)</i> ----- | 2417 | <i>Whitten, Jamie L. (Miss.)</i> ----- | 2413 | | |
| <i>Roncallo, Teno (Wyo.)</i> ----- | 1314 | <i>Widnall, William B. (N.J.)</i> ----- | 2309 | | |
| <i>Roncallo, Angelo D. (N.Y.)</i> ----- | 1232 | <i>Wiggins, Charles E. (Calif.)</i> ----- | 229 | | |
| <i>Rooney, Fred B. (Pa.)</i> ----- | 2301 | <i>Williams, Lawrence G. (Pa.)</i> ----- | 1503 | | |
| <i>Rooney, John J. (N.Y.)</i> ----- | 2268 | <i>Wilson, Bob (Calif.)</i> ----- | 2307 | | |
| <i>Rose, Charles (N.C.)</i> ----- | 1724 | <i>Wilson, Charles (Tex.)</i> ----- | 1209 | | |
| <i>Rosenthal, Benjamin S. (N.Y.)</i> ----- | 2453 | <i>Wilson, Charles H. (Calif.)</i> ----- | 2385 | | |
| <i>Rostenkowski, Dan (Ill.)</i> ----- | 2185 | | | | |

*Delegate from Guam.

OFFICERS OF THE HOUSE

Speaker—Carl Albert.
 Clerk—W. Pat Jennings.
 Sergeant at Arms—Kenneth R. Harding.
 Doorkeeper—William M. Miller, 3119 N. Harrison St., Arlington, Va. 22207
 Postmaster—Robert V. Rota.
 Chaplain—Edward G. Latch.

OFFICIAL REPORTERS OF DEBATES

SENATE

G. Russell Walker, Chief Reporter, 8603 Preston Street, New Carrollton, Md. 20784
 Grant E. Perry, Apt. 201, 6040 Richmond Highway 22303
 William D. Mohr, 6 Cherbourg Court, Potomac, Md. 20854
 Benjamin H. Firshein, 9403 Weaver Street, Silver Spring, Md. 20901
 C. J. Reynolds, 207 Evans Lane, Alexandria, Va. 22305
 Eleanor R. Ross, Rt. 2, Box 303, Ward's Chapel Rd., Owings Mills, Md. 21117
 E. Frances Garro, 3725 Camden St., SE., Washington, D.C. 20020
 R. Thomas Loftus (assistant reporter), Beech Drive, Mt. Carmel Woods, La Plata, Md. 20646
 L. H. Timberlake (staff assistant), 9001 Golden Pass, Laurel, Md. 20810
 John A. Kominak (special assistant), 2017 Rosemount Ave., NW., Washington, D.C. 20010

HOUSE

Edna C. Moyer, 6310 Westridge Ct., Camp Springs, Md. 20031
 William L. Morse, 6538 Dearborn Dr., Falls Church, Va.
 Vivien Spitz, 1569 Dunterry Place, McLean, Va. 22101
 Charles Gustafson, 4117 Pineridge Dr., Annandale, Va.
 John R. Henterly, 9624 Prelude Ct., Vienna, Va. 22180
 Christopher A. Heil, 14708 Cobblestone Dr., Silver Spring, Md. 20904
 Ed Van Allen, 200 C St., SE., Washington, D.C. 20003
 William B. Pennekamp, Room H132, U.S. Capitol
 James W. Lea (clerk), Prince Frederick, Calvert County, Md. 20678
 Edward White (assistant clerk), 2212 Iroquois La., Falls Church, Va.
 George L. Russell (assistant clerk), 2 S. Mt. Olivet La., Baltimore, Md. 21229

(2) Robert C. Byrd amendment to make it clear that the Federal mandatory retirement age law is applicable to the FBI Director.

Page S 18433

Rejected:

(1) By 4 yeas to 66 nays, Scott of Virginia amendment (to Robert C. Byrd amendment) making term of the Director for 4 years, subject to reappointment and reconfirmation by the Senate;

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Pages S 18418-S 18424, S 18431X18434

Joint session: Senate agreed to H. Con. Res. 658, providing for a joint session of the Congress at 4 p.m. on Tuesday, October 8, for purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Page S 18437

Calendar Bills: Senate took from calendar and passed the following bills:

Without amendment and cleared for the White House:

New York land: H.R. 7954, to allow release of certain reversionary conditions contained in a deed conveying U.S. lands to the State of New York.

South Carolina land: H.R. 9054, authorizing execution of a subordination agreement with respect to certain lands in Lee County, S.C.

Pages S 18346-S 18346

With amendments and sent to the House:

Veterans' benefits: S. 4040, to increase pension rates and annual income limitations for eligible veterans and their survivors.

Pages S 18346-S 18353

Resolutions agreed to without amendment:

Private bills: S. Res. 90 and S. Res. 344, referring to the court of claims (respectively) S. 1453 and S. 3666.

Page S 18345

Civil Service Annuitants: Senate agreed to the conference report on S. 628, to eliminate the annuity reduction made during periods when the annuitant is not married in order to provide a surviving spouse with an annuity, thus clearing the measure for action of the House.

Pages S 18434-S 18435

Presidential Messages: Senate received messages from the President as follows:

Transmitting proposed rescissions and deferrals in budget authority totaling \$182 million and \$3.239 billion, respectively, ordered to be held at the desk (received on October 4, 1974, after adjournment of the Senate); and

Page S 18369

Transmitting a report on the comparability adjustment for the Federal statutory pay systems in October 1974—referred to Committee on Post Office and Civil Service.

Page S 18369

Presidential Communication: Senate received a communication from the President transmitting a request for supplemental appropriations for fiscal year 1975 in

the amount of \$1,796,805 for sundry expenses of the Senate—referred to Committee on Appropriations, and printed as S. Doc. 93-120.

Page S 18370

Appointments: The Chair, on behalf of the President pro tempore of the Senate, appointed Senators Biden and Roth to attend the Day of National Observance for the Two Hundredth Anniversary of the First Continental Congress, to be held in Philadelphia, October 14, 1974, in lieu of Senators Pastore and Schweiker, resigned.

Page S 18416

Unanimous-Consent Agreement—Veterans' Day: By unanimous consent, it was agreed that when Senate considers S. 4081, to redesignate November 11 of each year as Veterans' Day, and to make such day a legal public holiday, there be a time limit for debate thereon of 30 minutes.

Page S 18416

Committee Authority To Report: Committee on conference was authorized until midnight tonight to file its report on H.R. 8193, requiring that a percentage of U.S. oil imports be transported on U.S.-flag vessels.

Page S 18417

Nominations: Senate received one Navy nomination in the rank of Admiral, and lists of nominations in the Coast Guard and Marine Corps.

Page S 18437

Record Votes: Four record votes were taken today. (Total—436.)

Pages S 18424-S 18425, S 18431-S 18432, S 18434

Program for Tuesday: Senate met at noon and adjourned at 5:36 p.m. until 9 a.m. on Tuesday, October 8, when, after four special orders for speeches and a period for the transaction of routine morning business for not to exceed 10 minutes, Senate will take up conference report on H.R. 11537, public lands conservation (40 minutes time limitation, with yeas and nays ordered on motion (to be offered) to recommit to conference); to be followed by H.R. 12993, relating to licenses for broadcasting stations (1 hour time limitation).

Pages S 18436-S 18437

Committee Meetings

(Committees not listed did not meet)

WINE AND INTERSTATE COMMERCE

Committee on Commerce: Committee concluded hearings on S. 4058, to promote the free flow of wine in interstate commerce, after receiving testimony from Senators McClellan, Fulbright, and Talmadge; Representative Sisk; William Clark, National Alcoholic Beverage Control Association, Washington, D.C.; LeRoy Hittle, Washington State Liquor Control Board, Olympia; Costas Tentas, New Hampshire State Liquor Commission, Concord; Jefferson Peyser, Wine Institute, San Francisco; and Alquin Wiederkehr, Wiederkehr Wine Cellar, Inc., Altus, Ark.

GUNS

Committee on Government Operations: Permanent Subcommittee on Investigations resumed hearings on the continuing investigation into the alleged illegal activities of Robert Vesco, receiving testimony on the alleged attempt to purchase and possibly manufacture certain guns. Witnesses heard were Philip R. Manuel and William B. Gallinaro, Subcommittee Staff Investigators; Robert E. Sanders, Regional Coordinator, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury; Stuart F. Graydon, Montgomery, Ala.; Mitchell WerBell III, Powder Springs, Ga.; Ray Robey, Marietta, Ga.; J. P. Cook and Gordon Ingram, both of Los Angeles; Philip Campagna, and Dominic Salerno, both of Miami; and Walter Gillis, Fort Lauderdale.

Hearings were recessed subject to call.

OFFSHORE LANDS LEASING

Committee on the Judiciary: Subcommittee on Administrative Practice and Procedure held hearings on proposed procedures for leasing public lands on the Outer

Continental Shelf, for development of oil and gas, receiving testimony from Representative Dingell; Jared G. Carter, Deputy Under Secretary of the Interior; Duke R. Ligon, Assistant Administrator, Federal Energy Administration; Steve Jellinek, Staff Director, Council on Environmental Quality, Executive Office of the President; and Dr. H. W. Menard, Chairman, National Academy of Sciences Review Committee on Environmental Impact of Oil and Gas Production on the Outer Continental Shelf.

Hearings were recessed subject to call.

NAVIGABLE WATERWAYS

Committee on Public Works: Subcommittee on Water Resources held hearings on S. 4031, delegating certain authority to States for location of works on or structures over certain navigable waters, receiving testimony from Col. Marvin Rees, Executive Director of Civil Works, Office of the Chief of Engineers, Army Corps of Engineers; John Hough, Special Assistant to Governor of Idaho, Boise; and Herbert J. Webb and E. Glenn Harmon, Coeur d'Alene Lake Shore Owners, Inc., Idaho.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 38 public bills, H.R. 17089-17126; 2 private bills, H.R. 17127 and 17128; and 5 resolutions, H.J. Res. 1157, H. Con. Res. 658, and H. Res. 1413-1415, were introduced. Pages H 10098-H 10099

Bills Reported: Reports were filed as follows:

Conference report on S. 3234, Solar Energy Research, Development, and Demonstration Act of 1974 (H. Rept. 93-1428);

Conference report on H.R. 11221, to provide full deposit insurance for public units and to increase deposit insurance from \$20,000 to \$50,000 (H. Rept. 93-1429);

H.R. 14689, to provide for a plan for the preservation, interpretation, development, and use of the historic, cultural, and architectural resources of the Lowell Historic Canal District in Lowell, Mass., amended; all of the foregoing reports filed on Friday, October 4 (H. Rept. 93-1430);

Conference report on S. 628, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity during periods when the annuitant is not married (H. Rept. 93-1431);

H.R. 16982, to authorize U.S. payments for fiscal year 1975 to the United Nations for expenses of the United Nations' peacekeeping forces in the Middle East, and the United Nations' forces in Cyprus (H. Rept. 93-1432);

H. Res. 1399, expressing the sense of the House of Representatives with respect to the world food situation, amended (H. Rept. 93-1433);

H.R. 16609, Supplemental Authorizations of Appropriations for the Atomic Energy Commission for fiscal year 1975, amended (H. Rept. 93-1434);

H.R. 12628, Vietnam Era Veterans' Readjustment Assistance Act of 1974 (H. Rept. 93-1435);

H.R. 16925, to amend the District of Columbia Self-Government Reorganization Act to provide for a People's Counsel at the Public Service Commission, and to make technical amendments to the act relating to police and firemen's salaries, amended (H. Rept. 93-1436);

Conference report on H.R. 8193, to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels (H. Rept. 93-1437); and

Conference report on S. 3044, Federal Election Campaign Act Amendments of 1974 (H. Rept. 93-1438).

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Consent Calendar: House passed the following bills on the call of the Consent Calendar:

Cleared for the President:

"Cooly trade" laws: H.R. 778, to repeal the "coolly trade" laws. Subsequently, this passage was vacated and S. 2220, an identical Senate-passed bill, was passed in lieu;

GPO disbursements: S. 1794, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office;

Bridgeport Indian Colony: H.R. 3458, to declare that the United States hold in trust for the Bridgeport Indian Colony certain lands in Mono County, California. Subsequently, this passage was vacated and

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authorized until 4 o'clock. What we wanted to do was to have a rollcall vote upon this measure.

The PRESIDING OFFICER. The Senator will please be informed that we cannot amend the title of the bill until after the bill is passed.

Mr. HARTKE. Mr. President, I asked that the House bill be considered. Has it been passed?

The PRESIDING OFFICER. No.

Mr. BEALL. Mr. President, I ask that the yeas and the nays be transferred to the House bill.

The PRESIDING OFFICER. The House bill, H.R. 15223?

Mr. BEALL. That is correct.

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

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HARTKE. Mr. President, will the Chair please clarify the situation. What we want to do is to have a rollcall vote after 4 o'clock.

The PRESIDING OFFICER. That is correct; that is the agreement. Then the title can be amended after the passage of the bill.

The unanimous-consent agreement, as the Chair understands, was that no vote will occur until that hour. After that hour we can vote on the bill, and the Senator from Indiana can then amend the title of the bill.

Mr. HARTKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. Has the text of S. 4057, as amended, been inserted in lieu of the text of the House bill?

The PRESIDING OFFICER. It has been substituted.

Does the Senator wish this matter to be laid aside until 4 o'clock?

Mr. HARTKE. Mr. President, I ask unanimous consent that this bill now be laid aside under the previous order of the Senate that no rollcall can be held until 4 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no pending business.

TEN-YEAR TERM FOR FBI DIRECTOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

ceed to consider Calendar No. 1151, S. 2106; that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2106) to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 10-year term for the appointment of Director of the Federal Bureau of Investigation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Thomas Hart of the staff of the Committee on the Judiciary be allowed the privilege of the floor during the consideration of this bill, S. 2106.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Now pending is S. 2106.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and I ask it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

Strike out the last sentence of the bill and insert in lieu thereof the following new sentence: "A director may not serve more than one ten-year term."

Mr. ROBERT C. BYRD. Mr. President, the 10-year term for the FBI Director bill, is the product of a growing concern in the Congress, and in the public at large, of the grave consequences flowing from abuse—abuse of the recent past and possible future abuse—of the Bureau by either political manipulation or autocratic control unchecked by either executive or legislative oversight. The former Acting FBI Director and Deputy Attorney General, William D. Ruckelshaus, testifying before the Senate Judiciary Committee on September 12, 1973 during his confirmation hearings to be Deputy Attorney General stated his concern:

... I do think there needs to be a balance struck between the Director of the FBI being responsible to the executive branch and his

being independent from any unreasonable or unjustifiable requests made of him by the President or anybody in the executive branch . . ." (Ruckelshaus hearings, p. 100).

S. 2106 would aid in insulating the FBI Director from politically motivated manipulation from the executive branch by giving the office a tenure of 10 years and, at the same time, it would minimize the dangers of autocratic control of the Bureau by a Director who had built up a concentration of power over a long period of time by placing a limitation on the amount of years that one man could serve as Director of the FBI.

Until 1968, the Director of the Federal Bureau of Investigation was an appointee of the Attorney General. In 1968, the Congress passed Public Law 90-351, title VI, section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 which amended title 28, United States Code, section 532, making the Director of the Federal Bureau of Investigation a Presidential appointment subject to advice and consent of the Senate.

There was no provision in the 1968 statute as to the duration of the appointment of the FBI Director. It became apparent during the confirmation hearings on L. Patrick Gray to be FBI Director that if high executive branch officials could attempt to misuse the FBI by means of unjustified requests to an Acting Director who wished to be nominated as permanent Director, then the same tactics could be applied to an incumbent FBI Director who had no protection of a term of years for his position. Under the provisions of S. 2106 there is no limitation on the constitutional power of the President to remove the FBI Director from office within the 10-year term. The Director would be subject to dismissal by the President and are all purely executive officers.

However, the setting of a 10-year term of office by the Congress would, as a practical matter, preclude—at least inhibit—a President from arbitrarily dismissing an FBI Director for political reasons since confirmation of his successor by the Senate would be remote. The bill is a cautionary message to the President that whereas his power to remove a Director of the FBI is constitutionally unlimited, nevertheless, by virtue of its power to ratify the appointment of a successor, the Senate retains a large measure of influence over this removal power and will tolerate its exercise for good reason only.

Until this bill, Congress had not indicated its preference as to a term of years for the office of FBI Director under the 1968 statute. Without a limit on the duration of his term in office, a Director may hold his position for as long as he is able to maintain the confidence, or satisfy the wishes, or the whims of succeeding Presidents. Without a term of years, there is nothing to prevent the opposite result—a newly elected President naming a new FBI Director. During the hearings on S. 2106, FBI Director Clarence M. Kelley stated:

I would not object to legislation setting a definite term since it might contribute toward countering the impression that an appointment of any Director was for political purposes. I also feel that the position of Di-

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EXTENSION OF TIME FOR CONFERENCE COMMITTEE TO FILE ITS REPORT

Mr. HARTKE. Mr. President, I ask unanimous consent that the committee of conference on H.R. 8193, an act to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels, be granted permission to file their report prior to midnight, Monday, October 7, 1974.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

TRANSPORTATION SAFETY ACT OF 1974

The Senate continued with the consideration of the bill (S. 4057) to regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes.

Mr. BEALL. Mr. President, pursuant to our discussion of the amendment offered by the Senator from Indiana (Mr. HARTKE), I was not here in 1969 when the hours of service law was amended. Perhaps we can reach an agreement if the Senator from Indiana will outline the purpose of his amendment in the light of the legislative intent.

Mr. HARTKE. Mr. President, the amendments by Congress in 1969 to the House of service law incorporated longstanding railroad industry terminology in the hopes that it would ease any problems of understanding and applying the law. However, we may have been overly optimistic. Last year, the Federal Government filed a lawsuit in the U.S. District Court for the Northern District of California seeking penalties against the Atchison, Topeka, and the Santa Fe Railroad for alleged violations under the new law. See *United States of America v. Atchison, Topeka, and Santa Fe Railway Co.*, 363 F. Supp. 644 (N.D. Cal. 1973), appeal docketed, No. 74-1061, 9th Cir. 1973. The defendant alleged that the words "designated terminal" which was contained in the legislation was not well recognized in the railroad industry. This comes as somewhat of a surprise to my committee in view of the previous testimony before both our committee and the Senate Finance Committee by labor and management representatives. For example, the Association of American Railroads attempted to amend H.R. 8449 in the Senate, and it offered the following:

AMENDMENT OF PROVISIONS RELATING TO INTERIM REST PERIODS AT DESIGNATED TERMINALS

The bills would be amended to provide that time on duty for hours of service purposes

shall include interim periods available for rest at a place where reasonable facilities for food and rest are not available to employees, and that it shall include interim periods available for less than 4 hours' rest at a place where reasonable facilities for food and rest are available. Language carrying out such an amendment is attached hereto.

The bills as introduced provide that time on duty shall include interim rest periods at "other than a designated terminal" and interim periods available for less than 4 hours' rest at a "designated terminal."

The attached eliminates the terms "designated terminal" and "other than a designated terminal" and substitutes for them the concept of a place where reasonable facilities for food and rest are available to employees.

The purpose of the amendment is to define the kind of place at which an interim rest period will—or will not—count as time on duty for hours of service purposes.

REASONS FOR AMENDMENT

There is need to define the kind of place at which a rest period of proper duration will not be counted as time on duty.

Setting aside the question of how long a rest period should last, it would seem that any place where the essential physical requirements for a meaningful rest period are available will meet the demands of the law. Those requirements are reasonable facilities for food and rest for employees. Such facilities should be adequate and genuine.

The term "designated terminal" has significance in relation to the provisions of collective bargaining agreements. It refers to certain terminals that are so identified in such agreements. It does not determine the question whether a given place is one at which suitable rest can be obtained. It is quite possible that reasonable facilities for food and rest are obtainable at places other than terminals that are "designated" in labor agreements. If so, rest periods of appropriate length at those places should be excluded from time on duty for hours of service purposes. (Hearings on S. 1938 before the Subcommittee on Surface Transportation of the Committee on Commerce, U.S. Senate, 91st Cong., 1st sess., Ser. No. 91-31 at p. 158.)

The president of the AAR testified:

The term "designated terminal" is used in the bills to identify the kind of place at which interim rest periods of appropriate length may be excluded from duty time and is distinguished from "other than designated terminals" where all interim periods for rest are counted as time on duty.

The term has significance in relation to the provisions of collective bargaining agreements and refers to terminals that are "designated" in such agreements. It does not determine the question whether a given place is one at which suitable rest can be obtained.

Our view is that any place where reasonable facilities for food and rest are available to employees should qualify as the kind of place at which interim rest periods of suitable length—should not count as time on duty. This concept should be substituted for the technical term "designated terminal." Food and rest are the essential physical requirements for a meaningful rest period, and may well be obtainable at places that are not "designated" in collective bargaining agreements. (Hearings on S. 1938, *supra*, at p. 138)

Also, during our consideration of the legislation, we were referred to various collective bargaining agreements using the term "designated terminal" and/or using the words "home terminal" and "away from home terminal." From a review of the agreements, we were satisfied that "designated terminal" was synonymous with "home terminal" and

"away from home terminal." The hearings testimony shows that the words are used interchangeably.

To get directly to the point, this committee approved the terminology contained in H.R. 8449 and the words "designated terminal" used therein is intended to mean the same as "home terminal" and "away from home terminal."

In view of the trouble which this matter presents, I think it would be better that the amendment be withdrawn at this time, and if there is an imperative need for such legislation, it could be done on the House side.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 15223 and that the bill be immediately considered.

The PRESIDING OFFICER (Mr. HARTFIELD). If we may have third reading first, then I will recognize the Senator.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Now the Chair recognizes the Senator from Indiana.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 15223, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 15223) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Control Act of 1970 to authorize additional appropriations, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. HARTKE. Mr. President, I move to strike all after the enacting clause of H.R. 15223 and substitute in lieu thereof the text of S. 4057, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent that the title of H.R. 15223 be amended to read as follows: "An act to regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes."

The PRESIDING OFFICER. The Senator from Indiana is advised that we will have to have the bill passed before we can change the title. We will have to have the third reading of the bill, passage of the bill, before we change the title.

Mr. HARTKE. Let me explain to the Presiding Officer that under the previous order made by the Senate no rollcalls are

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rector should not necessarily change hands with each administration which will give the incumbent a greater sense of independence. (Hearings on S. 2106, March 18, 1974, p. 4)

The existing provisions governing appointment of the FBI Director do not strike a proper balance between the need for responsiveness to the broad policies of the executive branch and, at the same time, independence from any unreasonable or unjustifiable requests made by the Director's superiors. It is important to give the Director some degree of protection from dismissal without good reason, as well as to avoid an appointment of a new Director with each new President. During Mr. Ruckelshaus' confirmation hearings I discussed the effectiveness of S. 2106 in dealing with these problems. I would like to quote from those hearings:

Mr. RUCKELSHAUS. I do think the Director himself, by the public posture he takes, can reinforce or reassure people in the country that he is acting independently of any unjustifiable pressure from the White House or from any place else in the executive branch, or in the society for that matter.

Senator BYRD. Would legislation providing for a 10-year term strengthen his independence in this particular area?

Mr. RUCKELSHAUS. Yes, I think it would.

Senator BYRD. It would enable him to take a stronger posture of independence before the people?

Mr. RUCKELSHAUS. Yes, I think it clearly would. . . .

I recognize that no institutional arrangement can guarantee with certainty that any official will exercise governmental authority with integrity and good judgment. Nevertheless, there are especially sensitive positions which require the greatest care on the part of Congress in creating an environment for the responsible use of power. It is the great value of the FBI as a criminal investigative agency, as well as its potential for infringing individual rights and serving partisan or personal ambitions, that makes the office of Director of the Federal Bureau of Investigation so unique.

The bill specifies that the term of the office of FBI Director shall be 10 years. Consideration was given to a shorter term—4 years, for example.

As a matter of fact, I introduced a bill that would make the tenure of office by the FBI Director 4 years. I also introduced a bill to make the tenure 7 years.

However, a term of less than 9 years would encourage political responsiveness on the part of the Director since he would probably be serving the same President who appointed him throughout his term as FBI Director. FBI Director Kelley addressed this issue during his testimony on S. 2106:

I originally mentioned a term of nine years since I believed that period would minimize occasions when the appointments would coincide with a change in administrations. Whether the term is for nine years, or ten years, makes little difference to me as long as this consideration is taken into account. Either period would provide the incumbent a sufficient feeling of independence. (Hearings on S. 2106, p. 4)

As to reappointment, S. 2106 provides for the reappointment of a Director for one additional 10-year term, with reconfirmation by the Senate required. This

second 10-year term is subject to different interpretations as to its effectiveness to achieve the goals of the bill. There are advantages to a second term.

I personally feel, after much reflection, that 20 years is too long a time for any one man to be Director of the Federal Bureau of Investigation. The potential danger of political manipulation in the later years of his first term, should a director want a second term badly enough, leads me to believe that a single 10-year term should be sufficient.

The bill as I introduced it, which is now before the Senate, provided for two 10-year terms. Originally, I thought that probably would be the wisest approach. But we conducted hearings on the bill, and in the light of the testimony of witnesses, I came to the conclusion, personally, that there should not be two 10-year terms; that, as a matter of fact, there should be only one 10-year term, without the possibility of reappointment. So I have offered the amendment to the bill which would limit the Director to one 10-year term.

This bill, Mr. President, presents the Senate with an opportunity to build another safeguard into our system of checks and balances. The FBI is an integral part of the Justice Department within the executive branch. The Director of the FBI is responsible to the Attorney General and to the President, as an executive department employee. But the FBI is a great organization, the activities of which have a profound effect upon the American people. The potential for abuse of the Bureau by high executive branch employees has been demonstrated in the recent past.

If there is one thing that must not happen again in this country, it would be the transition of the FBI into a political police force or into a politicized organization in any fashion.

This bill will aid in minimizing the danger of political manipulation of the Bureau and at the same time lessen the long-range danger of an individual becoming a law unto himself by retention of the directorship over a long period of time. The lessons of the last 2 years have been many, but one lesson that stands out in my mind is that safeguards within the system must be protected. Where there are no safeguards, they must be erected, and this bill erects safeguards.

After very careful consideration, as I say, and in the light of the testimony adduced in the hearings, after consulting with my colleague on the committee, Senator HART, and the majority leader, I have offered this amendment on behalf of myself, Mr. MANSFIELD, and Mr. HART, to limit the term to one term, and that would be a 10-year term.

So S. 2106, if it is amended, I believe will erect a valuable check upon the possible abuse of executive power in an area in which abuse is intolerable in our system of government.

I urge the adoption of the bill, and I, of course, urge the adoption of the amendment.

The bill, which I have offered on behalf of myself, Mr. MANSFIELD, and Mr. HART, would eliminate the provision for reappointment in the bill and would

state that the Director may serve no more than one 10-year term.

As I have stated in my support of the bill, this is an amendment that would eliminate, in the future, the potential of an FBI Director using the later years of his first term as a means of assuring his reappointment to a second term.

I recognize that some Senators may feel that 20 years should be available to keep an outstanding man in the post for as long a time as possible. But we have many outstanding men in this country. We are not limited to the choice of one outstanding man. There certainly is more than one man in the country with the ability to head the FBI. Ten years is a long enough period of time for a Director to make his leadership felt, to put his philosophy into action, and to get his program into being. After that period, he may well become more concerned with his status quo than to continue to try to bring fresh insight and new vigor, new vision, new ideas to the position.

The political dangers of a possible appointment to a second 10-year term are quite real, and the benefits to the Bureau and to the country by continuing a Director for another 10 years would probably be marginal at best.

The elimination of a second 10-year term not only eliminates the fear of a Director using his office to secure his own reappointment, but it also assures that no Director would be able to hold the office for a long enough period of time as to make it a practical impossibility to avoid autocratic control, if he was so disposed, of the Bureau by an all-powerful Director.

So, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HRUSKA. Mr. President, it is to be regretted that this Senator did not return to the city early enough to have been here earlier to hear the discussion on the amendment, which has just been handed me.

The amendment would achieve a very substantial amendment to the bill as approved in the committee. It would be very fine of the Senator from West Virginia if he could concisely and briefly explain the reason for the change between the time the bill was approved in committee and the time this amendment was submitted.

Mr. ROBERT C. BYRD. It had been my intention, may I say to the very distinguished Senator from Nebraska, to offer this amendment in committee. But, as the Senator will recall, when we met to discuss this bill, things were happening on the floor of the Senate. It was extremely difficult to get a quorum, in the first place. The quorum was about to slip away before I could even get the bill reported. I felt that it was important to get the bill out, get it on the calendar, and get enactment of it, if possible, before the recess. So I did not offer the amendment. If I had, there would have been some discussion of it, and I am afraid I would have lost the quorum and would not have had the bill reported. So I reported the bill.

As I stated—and as the distinguished

Senator has asked me to reiterate--the purpose in my offering this amendment, on behalf of myself, Mr. MANSFIELD, and Mr. HART, is to eliminate the possibility of a Director seeking to do favors; campaigning, if I may use the word, to be reappointed for a second 10-year term. I feel that if a Director is limited to 10 years, that is sufficient time. If he has his own philosophy and it is different from that of his predecessor, he has the time to develop it in one term; he has the time to organize the department in the way he sees fit; he has sufficient time to do a credible job. But it eliminates the possibility of an individual who wants to become all-powerful, who, although he may not have the inclination at the beginning, may develop the inclination, as time goes on, to become autocratic, and who might use that organization to the detriment of the American people.

If he is permitted to have a second term, I can understand that a Director possibly would want to ingratiate himself with a candidate running for President. The Director might do a little politicking on his own. This would not inure to the benefit of the FBI, nor would it inure to the benefit of the American people and to the protection of our constitutional liberties.

So I think that with the elimination of that possibility, we can be assured that we will not have that politicking, that seeking to favor or to serve any party or any particular individual, and we would place another guarantee around the individual liberties of the American people.

As I stated, also, I do not believe that we are so limited as to ability, competence, character, and integrity in this country that we have to depend upon any one man over a period of 20 years to head this very vital organization. There are many good men. I think the fact that he would have only one term would provide additional incentive for that man, in that one term, to give of his best and to give without any thought of maintaining the status quo as to his position, realizing that he could not serve a second term. He would do his best to set an enviable record during his period.

That is about the sum and substance of it.

Mr. HRUSKA. The Senator is very kind to favor me with an individual indoctrination course. I wish to say that considerations like those that he just voiced arose some 50 years ago, when the Office of the Comptroller General was created. There, likewise, we as a Congress--that was before my tenure in Congress--were confronted with the problem of what we could do with this very sensitive and powerful post of the Comptroller General in order to get the best service out of a man and yet not have him there too long; just long enough to have continuous service and for the Nation to be able to capitalize on the expertise and the wisdom he has formulated in the meantime.

The conclusion was a one-term Comptroller General for the term of 15 years.

Would the Senator consider at all the possibility, instead of 10 years, which is

a relatively short time in as important a post as this, of making it 15 years instead of 10 years, with the thought in mind that during that time, there is the intervention of a change in the Presidency? Then, in the event the Director were not desirable or if he performed in a manner which would not meet the approval of the administration, he could be dismissed. Would that have any merit in the judgment of the Senator?

Mr. ROBERT C. BYRD. I do not say it does not have any merit; I think it does have merit. I think there are disadvantages which, to me, would prohibit my support of a 15-year term in preference to a 10-year term.

The Comptroller General of the United States is the head of the General Accounting Office, which is an arm of Congress.

Mr. HRUSKA. That is right.

Mr. ROBERT C. BYRD. I do not view the Comptroller General as being in this sensitive position, a position in which he can become an autocrat, a dictator, a position in which he can infringe upon the constitutional liberties of the American people.

The FBI Director is in an entirely different position. I just would not feel at ease with a Director who can foresee that he can be assured, unless the President should decide in the meantime to remove him, that for 15 years he will remain in this highly sensitive office. After what we have gone through, I feel very uneasy about this position. I think that 10 years is long enough, yet it is not too long; whereas, 15 years, I am afraid, would not be establishing the kind of protection that we are seeking to establish through the enactment of this bill.

Mr. HRUSKA. Of course, there is the other alternative, a third alternative, of a 10-year term with an additional 5 years, which would be subject to approval by Congress. Are there any specific reasons why the Senator would dismiss that as an alternative in favor of a flat 10-year term?

Mr. ROBERT C. BYRD. I have not dismissed it as an alternative. As a matter of fact, I have a fallback amendment which would provide for that in the event my first amendment is not adopted. However, I much prefer the 10-year term, because, as long as there is a second term, there can be the motive--the motive; I do not say that it will always influence the holder of the office--at least, there is the possibility that a Director, in the interest of getting himself reappointed, notwithstanding the fact that he would have to be reconfirmed by the Senate, would bend a little here or bend a little there in order to ingratiate himself to a President or to a candidate for the Presidency. If he has one shot and that is all, I think he is going to give his best and we eliminate entirely the possibility, in my judgment, of politicizing the Bureau for the purpose of preserving the Director's status and perpetuating him as Director of the organization.

Mr. HRUSKA. It would be very fine, indeed, if we could provide against every contingency, every conjecture that possibly might happen. I do not know that we can. There may be a motivation

desire of a Director of the FBI to ingratiate himself to the President and constantly cater to the President and be subservient to the President, so that the President, who can dismiss him at any time, will be obligated to the Director and will not, therefore, dismiss him.

If we are going to look for the perfect solution, I doubt very much that we are going to find it. I do think it would be highly regrettable if we developed a very fine, first-class FBI Director who was doing a professional job with a high degree of integrity, if we were going to tell him, "Sorry, we are going to turn you out to pasture now; you have served ten years and the country is going to have to get along without you."

Then we place a new man in that position for 10 years, after which that same process will be repeated. This would be a waste of human resources.

As I say, I do not know that there is any perfect solution. I do not know whether we can find it. I think all those alternative forces have advantages and disadvantages.

Mr. ROBERT C. BYRD. I agree with the Senator that there is no perfect solution, but it is a little like what I have always heard was our guiding principle in the administration of justice. I do not know whether I state this correctly, but from the time I was a boy, I have always heard that it is better to let 10 criminals go free than to punish one innocent man. I think the chances of having an extremely competent man serve out his 10-year term and being unable to find a second competent, able, dedicated, patriotic man to fill his shoes is a danger far less than going down the other road, in which we might have 10 competent men and then find one who would want to establish himself as a little dictator, who would be political in his actions in order to get re-appointed.

I should rather err on the side of or term and the assurance that one man would only have one opportunity, he would do his best, since he could be reappointed, he would give his utmost, than to err on the other side of letting him have a second opportunity.

There are many men I would like to see President 3 terms or 4 terms or 5 terms. I say many--one comes along once in a while, perhaps. But to establish it as a rule that any man can succeed himself the third time, the fourth time, and the fifth time creates a danger that is many times greater than the possible benefits that might accrue from the one good man who might have served 3 terms.

Mr. HRUSKA. I thank the Senator for the courtesy and the patience of engaging in this colloquy. I feel the recital of these reasons and the feeble questions on the part of this Senator to try to draw them out might serve some purpose, either in consideration of this bill in the other body, or perhaps in conference if the bills are dissimilar enough to require a conference.

Mr. President, I do not oppose the imposition of a fixed term of office for the Director of the Federal Bureau of Investigation.

Establishing a fixed period of time for

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reacting in our fear of the leadership of the President of the United States, whoever he may be at a given period.

We know that the Director of the FBI for a long period of time, J. Edgar Hoover, became somewhat legendary as the head of that Bureau.

There was criticism of Pat Gray when he was the Acting Director, and now we have a new gentleman, Clarence M. Kelley, about whom I have heard nothing but good reports.

I suspect that the fact that the Comptroller General of the United States, the head of the General Accounting Office, whose term is for a period of 15 years has something to do with the action that is being proposed now. Yet the positions are not similar.

Mr. President, my amendment would provide that the Director of the FBI would serve for a term of 4 years. He would be subject to reappointment and reconfirmation.

I believe we need to have the Director of the FBI under the executive branch and subject to general supervision of the President. I believe that we need to have general oversight exercised by Congress and his appointment and reappointment by and with the advice and consent of the Senate.

The Senate would have to pass every 4 years on how this man had accounted for his stewardship. In my opinion every public official should have to periodically account to the people or to their elected representatives for the type of performance he has given.

Other Justice Department officials have 4-year terms. The U.S. attorney is appointed for a 4-year term, the U.S. marshal is appointed for a 4-year term. Both are subject to reappointment and reconfirmation.

Mention has been made that we would have the term of the head of the FBI running concurrent with the Office of the President.

Yet, as I remember, the present Director of the FBI did not start his term of office at the same time as the President of the United States and he would not be out of office at the same time as the President of the United States; his term would, therefore be different.

I look at the second purpose of this bill as indicated in the report and note it is to protect against an FBI Director becoming too independent and unresponsive.

I think a 4-year term would guarantee that he would not be too independent and too unresponsive because every 4 years we would take a look at the incumbent. He would have to have the approval of both the President and the Senate to be renominated and reconfirmed.

I see no real incentive, when appointed for a single 10-year term for a man to do a good job, other than what might be inherent in that man himself. There would be no reward offered for him going a second mile and attempting to do an exceptionally good job. But if he is subject to reappointment and reconfirmation, at the end of 4 years, if we had the opportunity to review the performance that he has made in the office that he held and pass judgment upon him every

4 years, I believe there would be reason for him to go a bit further than he needs to go.

Mr. President, once again, I think that what the distinguished Senator from West Virginia is proposing is a good thing. I just believe that if the term is 4 years subject to reappointment, reconfirmation, the man could serve 4 years, 8 years, 12 years, 16 years, 20 years, he would do a better job. Mr. J. Edgar Hoover served roughly 50 years in the office.

That may be too long, but if the President and if the Senate wanted a man to serve for that period of time, under my proposal he could serve for that long.

I would hope that this amendment might be adopted, Mr. President.

The PRESIDING OFFICER. Who yields time?

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, we are not operating under a time agreement. I wonder if the distinguished Senator, and other Senators, would agree to time for a vote on the Senator's amendment. I do not wish to offer any tabling motion. I want him to have an up or down vote on his amendment. I wonder if we could agree to a vote on the amendment by Mr. SCOTT, of Virginia, immediately following the vote on the hazardous substance bill, which will occur at 4 o'clock today; and then immediately following the vote on the Scott amendment, if it is not agreed to, if we could agree to a vote on my amendment, up or down.

Mr. WILLIAM L. SCOTT. Mr. President, I am agreeable to that.

Let me just add, if the Senator will yield, I appreciate the consideration given to the Senator from Virginia by the distinguished Senator from West Virginia, and the assistance of the Parliamentarian, so that we could properly draft this amendment and bring it before the Senate for consideration.

Mr. ROBERT C. BYRD. I thank the Senator. I knew what he was trying to do, so I thought he was entitled to have a vote.

I ask unanimous consent that immediately following the vote on the hazardous substances bill, which will occur at 4 o'clock today, a vote occur on the adoption of the amendment offered by the Senator from Virginia (Mr. WILLIAM L. SCOTT) to be immediately followed, if that amendment is not adopted, by a vote on the adoption of the amendment which I offered on behalf of Mr. MANSFIELD, Mr. HART, and myself.

Mr. PROXMIRE. Will the Senator yield on that unanimous-consent request?

Mr. ROBERT C. BYRD. Yes.

Mr. PROXMIRE. Would that preclude the amendment I have, which the Senators knows about?

Mr. ROBERT C. BYRD. It would not preclude the Senator from offering his amendment.

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

Mr. ROBERT C. BYRD. I thank all the Senators.

Mr. PROXMIRE. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. Would the Senator from Wisconsin allow the Senator from Nebraska to make a statement in connection with the pending amendment? Once we start voting, the Senator will not have that opportunity.

Mr. HRUSKA. How much time will be allowed?

Mr. ROBERT C. BYRD. The Senate has 7 minutes before we begin voting.

Mr. HRUSKA. That will more than suffice for my purposes.

Mr. President, I rise to oppose this amendment. In my judgment it would destroy the purposes of this bill.

This bill has two purposes: One is to eliminate undue pressure being exerted upon the Director from superiors in the executive branch; the other is to protect the FBI Director from becoming too independent and unresponsive.

It seems to me a 4-year term, with the necessity of reappointment, would make him dependent and totally responsive both to the President, who would have to appoint him, and also to the Senate which would have to confirm him. The idea in the bill was to furnish a stability and a duration of appointment that would render him independent and would render him responsive to the needs of the office and of the Nation, rather than responsive either to the President or to Congress.

Certainly, the 4-year term, with the reappointment for another 4 years, would give every motivation and every incentive to a director to want to placate and to want to ingratiate himself with the President, whoever he is, in order that he could survive another 4-year term.

I regret very much that I must disagree with my fine friend from Virginia but I do sincerely believe that it would destroy the purpose of the bill.

The bill has many safeguards. The President can discharge the Director any time he sees fit for any reason, or for no reason at all. That is under the Constitution. He has that power as to any officer or official of the executive branch of Government where that officer or official is devoting all of his efforts to duties within the executive branch.

It does not apply to the present Director.

I think it is a very well-balanced bill, well thought out, and has a splendid rationale. I think we ought to preserve it in its present form. For that reason, I intend to vote against the amendment. I do hope that this Senate will abide by that same type of judgment.

I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. HRUSKA. I yield.

Mr. ROBERT C. BYRD. I understood the Senator's opposition to the amendment to be speaking against the amendment by Mr. SCOTT and not against the amendment which I have offered.

Mr. HRUSKA. It pertains to the amendment offered by the Senator from Virginia, that is right.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HRUSKA. I had been informed that your amendment had been adopted.

Mr. ROBERT C. BYRD. It has not been adopted. The vote on my amendment will

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the service of the Director will lend stability to that office and assure a degree of continuity to that superb organization. This legislation may also lessen the concern of some who fear that appointment of individuals for an unspecified time may be done for political purposes. The 10-year duration of office will provide the Director the opportunity to devise and implement policies of a long-range nature. It will lessen any potential for buildup of any political pressure as well as incentives for same.

However, the record should be made clear that the stability which we are attempting with this legislation will not interfere with the Presidential power of removal. This bill does not attempt to curtail this constitutional power of the Chief Executive. Should the President seek to remove a Director of the FBI, an executive officer, prior to the expiration of the 10-year term, he would be free to do so.

This Presidential constitutional removal power has been long recognized. In *Myers v. United States*, 272 U.S. 52 (1926), the Court addressing this question wrote:

If there is any point in which the separation of legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices... the vesting of executive power in the President was essentially a grant of the power to execute the laws... As he is charged specifically to take care that they be faithfully executed, the reasonable implication, even in the absence of express words, was that as part of this executive power he should select those who were to act for him under his direction in the execution of the laws. The further implication must be, in the absence of any express limitation respecting removals, that as his selection of administrative officers is essential to the execution of the laws by him, so must be his power of removing those for whom he cannot continue to be responsible.

This principle, enunciated in the *Myers* case, has been reaffirmed more recently in *Humphrey v. United States*, 295 U.S. 602 (1934) and *Wiener v. United States*, 357 U.S. 349 (1957).

There will result an improvement over the present undeterminate tenure. The bill should be approved.

Mr. ROBERT C. BYRD. May I say one final thing? I think it was the hearings that convinced me that one term is preferable to a situation in which there can be a second one. At first, I was wedded to the idea of two terms. I no longer feel that way about it after listening to Mr. Kelley, and to Mr. Ruckelshaus, and after listening to constitutional scholars, men who have followed the FBI and studied it over the years. I really think that in the interest of the constitutional liberties of the American people and a better operation of the FBI, one 10-year term is probably about the best we can do.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. WILLIAM L. SCOTT. Mr. President, I do not know the exact terminology of the Senator's amendment. I shall wish to propose an amendment, after the disposition of the pending amendment, to provide for a 4-year term with

the right to appoint for additional 4-year terms. I believe in that way we would have congressional control, because the holder of the office would have to be subject to Senate confirmation every 4 years, and if the Senate did not feel that the man was suitable to serve an additional period of time, we could refuse to confirm the reappointment.

The Chief Executive would also have the right to determine whether the man should stay in office.

I shall not make my argument in favor of that proposal at this time, but I am thinking about the way to compose the amendment. The one I have at the desk, would merely strike out the word "ten" and insert the word "four," and then strike out the last sentence, saying "a director may be reappointed in accordance with subsection (a) of this section for only one additional term," not knowing that the distinguished Senator from West Virginia was going to change the last portion to make it only one 10-year term.

I wonder if the Senator could tell me the phraseology he used, so that I could write an appropriate amendment to at least give the Senate the opportunity to consider an alternative of 4 years with the right to be reappointed and reconfirmed for additional terms of 4 years.

Mr. ROBERT C. BYRD. Yes. The amendment which I have submitted on behalf of Mr. MANSFIELD, Mr. HART, and myself would strike out the last sentence of the bill, and insert in lieu thereof the following:

A Director may not serve more than one ten-year term.

Mr. WILLIAM L. SCOTT. Then I take it that if I propose an amendment just striking out "ten" and putting in "four," I could also strike out the words which the Senator is now adding to the bill.

Mr. ROBERT C. BYRD. The Senator might wish to address that inquiry to the Chair. May I say, however, in the first place, that I have already indicated my reasons for coming around to the viewpoint that they should not be eligible for subsequent terms.

I have also stated that I originally felt, as the Senator does, that there should be two 4-year terms, but I conducted the hearings on this bill, and after hearing the advice of men whose advice I think should be weighed heavily, Mr. Kelly, Mr. Ruckelshaus, Professor Elliff of Brandeis University, and others. I came to the conclusion that in the first place there should not be a second term, and in the second place a four-year term would be too short a term, and could coincide very easily with the elections, and thus put the Director right in the middle of a political situation in his desire to be reappointed.

So I am opposed to the two 4-year-term idea.

Mr. WILLIAM L. SCOTT. I would say to the distinguished majority whip that I have listened with great interest to everything that he has said, and find myself in substantial agreement. We have a minor disagreement, and I do intend to offer my amendment for the

consideration of the Senate. I will, at the appropriate time, ask for a rollcall vote.

Mr. ROBERT C. BYRD. I thank the distinguished Senator. I know he is trying to do what the rest of us are trying to do; it is just that we have this slight disagreement as to number and length of terms.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I am ready for the vote.

Mr. WILLIAM L. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WILLIAM L. SCOTT. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

Mr. WILLIAM L. SCOTT offers the following amendment:

In lieu of the language of the Robert C. Byrd amendment insert:

The term of the director shall be for four years subject to reappointment and reconfirmation by the Senate.

Mr. WILLIAM L. SCOTT. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that it be in order to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAM L. SCOTT. Mr. President, I agree in general with what the distinguished Senator from West Virginia is attempting to do. I have reviewed the report and I commend the distinguished Senator for his action.

I note from the report that the purpose of the bill has two objectives. The first is to insulate the Director of the Federal Bureau of Investigation from undue pressure being exerted upon him from superiors in the executive branch.

Now, Mr. President, we have an old saying among lawyers that hard cases make bad law.

There has been suspicion and criticism of the role of the Director of the FBI in recent months and years and it may be that we are overreacting by providing for a 10-year term, and perhaps we are over-

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follow immediately after the vote on the amendment by Mr. SCOTT, if the Scott amendment is not adopted.

Mr. HRUSKA. May I say, Mr. President, that if the amendment of the Senator from Virginia is adopted, I propose to vote against the bill.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the remarks of the distinguished Senator from Nebraska and the reasons he has stated.

Certainly, we would like for the Director to have a degree of independence. I believe that any tenure does give some independence. As the situation is today, the Director of the FBI serves entirely at the pleasure of the President and may be removed at any time. He is not given any term of office at all.

My proposal would provide a term of 4 years. He could serve a 4-year term and then be subject to reappointment and to reconfirmation.

In my opinion, in a democracy such as we have every public official should be subject to the will of the people, or their elected representatives. That is what the Director of the FBI would be. Every 4 years he would have to account for his stewardship. I am afraid that when we have 10-year terms, when a person cannot be reappointed, when he will serve only for 10 years, he could be quite arbitrary.

We have that in some of the lifetime appointments that we make to the bench.

I do not believe in arbitrariness in any public official. We are proud of our system of checks and balances in our Government. I believe that the President should be able to look at the record of the man for 4 years. I believe the Senate should look at that record after the completion of 4 years. Then if the President and if the Senate felt that the man had done a commendable job, he would not be precluded from serving 8 years, 12 years, 16 years, or any other number of years that the person occupying the office of Chief Executive of the country wanted him to serve, with the advice and consent of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I have an amendment which could possibly be adopted within 2 minutes, but I will not attempt to offer it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. President, I will not discuss further the amendment by Mr. WILLIAM L. SCOTT. There was sufficient discussion earlier, and I think the distinguished Senator from Nebraska has covered it.

I want to state at this point that I shall vote against the amendment by the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT), and I hope that the

Senate will adopt the amendment I have offered on behalf of Mr. MANSFIELD, Mr. HART, and myself.

Mr. SCHWEIKER. Mr. President, as a cosponsor of S. 2106, the bill introduced by the Senator from West Virginia (Mr. ROBERT C. BYRD) to provide for a 10-year term for the Director of the Federal Bureau of Investigation, I would like to express my strong support for this legislation.

This bill will create an independent FBI. Certainly no one can question the need for prompt action in this area. The case for an independent FBI has been fully documented, not only in hearings, but in headlines. The Watergate disclosures tarnished the FBI, and sharply diminished the traditional confidence which American citizens have had in the FBI. This legislation will go a long way toward restoring public confidence in the FBI.

I am particularly pleased to be a cosponsor of S. 2106, because it incorporates the essential points of my own bill, S. 1707. My bill would provide a 10-year term for the FBI Director, with the appointment subject to senatorial confirmation. My bill would also limit the eligibility of any Acting Director to be named Director, to avoid possible political pressure, and would establish the FBI as an independent agency, subject to congressional oversight. While S. 2106 does not specifically cover all of these points, I am confident that by limiting the FBI Director to a specified term, S. 2106 will clearly establish, for the first time, the independence of the FBI from political pressure.

I commend the Judiciary Committee for its prompt action on this bill, and I urge my colleagues to support this measure.

Mr. BROCK. Mr. President, I would like to say a few words in support of S. 2106, as introduced by the Senator from West Virginia. In April 1973, I introduced a similar bill, S. 1519, which would have established a 6-year term of office for the FBI Director. Although I feel my measure presents several advantages over S. 2106, I will not offer an amendment at this time.

The purpose of this legislation is clear and praiseworthy. It is designed to make the Director more accountable to Congress and less subject to misconduct which has occurred in the past. Former Acting Director Patrick Gray owed the highest allegiance to the President as witnessed by his willingness to accede to the requests of White House aides and withhold and destroy material evidence connected with the Watergate affair. Setting a fixed term of office with congressional approval for reappointment is a step in the right direction for increasing accountability while not jeopardizing the independence necessary for effective FBI operation.

I, personally, would favor a 6-year term with a provision that the Director can be reappointed with Senate approval. I feel that a fixed 10-year term is simply too long. I am not convinced that the term needs to be longer than that of a 2-term President. Improper influence could as easily occur with a 20-year term, depending on the individual involved.

But the longer time span gives Congress fewer oversight powers and puts less accountability on the FBI Director.

Furthermore, a lengthy term of office increases the tendency of its occupant to become somewhat isolated, opinionated, or lethargic. Nor can I support the suggested amendment limiting the term to 10 years without the right of succession. This, too, will limit congressional oversight, something I feel is absolutely essential.

I am aware of Clarence Kelley's recommendation of a 9- or 10-year term. Because of the respect I hold for both him and the distinguished Senator from West Virginia, I will withhold amending S. 2106 at this time.

Mr. MATHIAS. Mr. President, I rise today in support of S. 2106, a bill to establish a 10-year term for the Director of the Federal Bureau of Investigation.

As a member of the Senate Judiciary Committee, I have given a great deal of attention to the FBI during recent years. Indeed, the hearings of our committee into the nomination of L. Patrick Gray to head the FBI were crucial in the eventual exposure of the entire Watergate scandal. Regrettably, those hearings also showed the involvement of this great Federal investigative agency in that affair. They raised questions about the operation of the Bureau, questions which today have not yet all been answered.

This legislation, however, is a step in the right direction.

At the time of the Judiciary Committee's second set of hearings on the nomination of a Director of the FBI, that of Clarence Kelley, I felt that part of the problem that we faced as a committee was in determining exactly what the requirements of the position were so that we could determine whether the nominees met those requirements. In short, I felt then and I feel now that what is needed is a job description for the position of Director of the FBI.

Thanks to my colleague on the Judiciary Committee from West Virginia, Senator ROBERT C. BYRD, we will have here today, following the passage of this bill, the beginnings of such a job description. As a result of his efforts, Directors of the FBI must come before the Senate for confirmation.

We know that this is a part of their job. We also know, as a result of S. 2106, that the term of the job of Director of the FBI will be 10 years and no more. The Senator from West Virginia deserves our praise and thanks for these contributions.

My view is that even more in the way of a job description, if you will, is needed, not simply for the Director but for the Bureau as a whole. I believe that we need to have such a description spelled out in statutory form so that the limitations of the job, the limitations on what the Bureau can properly do, are quite clear.

I think that this is true with respect to wiretapping, as to which I have proposed legislation. I think that this is true with respect to other forms of surveillance and recordkeeping, as to which legislation has been considered by this Senate. I think this is true with respect to the dissemination of criminal

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justice records, as would be the case if legislation I have cosponsored were enacted. And, finally, I think that there are a number of areas which should be explored to see whether a job description is in order.

I offer these suggestions not in criticism of the Bureau or its present Director, whom I supported. I offer them in the belief that in a free society, it is best to have rules laid down in clear and precise language, in the form of laws which will bind all people.

Mr. HART. Mr. President, I rise in support of the amendment offered by the distinguished majority whip. Under his leadership, the Subcommittee on FBI Oversight, and the full committee have grappled with the vexing question of how long any one man or woman should be permitted to serve in the very sensitive post of FBI Director. I think the committee report states the pros and cons of each position which has been suggested, and one can find reasonable arguments for each as the best solution.

The argument for renewal—that is for a second possible term—is basically that the reconfirmation would lead a director to act carefully and responsibly in order to avoid any risk he will not be reconfirmed. But that is a two-edged sword. He must also worry that he is pleasing the President and will be reappointed.

And there is the possibility that the Bureau would be misused or manipulated with a view toward making Senators afraid to oppose reconfirmation. I do not believe the present director, Mr. Kelley would misuse the Bureau for such personal reasons as the desire to insure a second term. He is clearly a man of integrity and one who respects the institution of the FBI, too much for that.

But recent years have revealed too many instances in which political power was abused for personal reasons. The public looks to us to institute wiser safeguards which need not rest on the assumption that every office holder will be able to resist temptation.

On balance, I think the dangers of a possible renewal of tenure outweigh the advantages. Congressional oversight through reconfirmation hearings would be meaningful only if the initial appointment was for a much shorter period of, say 4 or 5 years. But as the report points out, the Director's job would then seem too much like just another cabinet post, and part of the President's political family, so to speak. I think the FBI Director's post should be given greater stature and autonomy than that.

The committee reported an initial tenure of 10 years for the first term. I had some reservations about that period originally. It seemed quite long. But I am satisfied that it would be useful to have a directorship run beyond the expected two-term service of the President who appoints him. And to a point, extended service will enable the Director to establish the reputation and respect which would facilitate his resistance to improper requests from his superiors or the White House.

Indeed it will make the latter think twice before seeking such cooperation in misusing the Bureau. Nor do I think

this kind of independence, is incompatible with the Attorney General, acting for the President, being able to set overall policy for the Bureau in regard to legitimate national objectives.

If we are going to give the Director an initial term of 10 years, it is not meaningful to assume that on minor policy difference would be sufficient to stop confirmation for a second term. If there has been a flagrant abuse or unwillingness to follow policy directives of the President, the White House would be free to remove him before then. But if the President, despite any adverse public criticism, renominates the director, then I do not believe the reconfirmation hearing would provide as useful an opportunity for oversight as would a new confirmation of a new Director. The Director would have no incentive except to "call them as he sees them."

As the report notes, a decade is surely enough for anyone to make his contribution and leave his mark upon the Bureau. At that point I think new blood and a fresh approach is a good idea in such a sensitive, and inherently controversial post. For the same reason, I would oppose a 5-year renewal term, as well as the full 10.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Do I correctly understand that the first vote will occur on H.R. 15223, the Transportation Safety Act of 1974?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. That immediately following that, there will be a vote on the amendment of the Senator from Virginia (Mr. WILLIAM L. SCOTT)?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. That immediately following that there will be a vote on the amendment of the Senator from West Virginia (Mr. ROBERT C. BYRD)?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. If the Scott amendment is defeated.

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 15 minutes on the first vote and that other vote immediately following be confined to 10 minutes.

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

EXTENSION OF TIME FOR A CONFERENCE COMMITTEE TO FILE ITS REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the conference committee have until midnight tonight to file its report on S. 3044, the Federal Election Campaign Act amendments.

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

TRANSPORTATION SAFETY ACT OF 1974

The Senate continued with the consideration of the bill (H.R. 15223) to regulate commerce by improving the protections afforded the public against risks connected with the transportation of hazardous materials, and for other purposes.

The PRESIDING OFFICER. The hour of 4 p.m., having arrived, under the previous order, the Senate will now vote on H.R. 15223, as amended. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. ARKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from North Carolina (Mr. HELMS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. STAFFORD), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Kansas (Mr. DOLE) would each vote "yea."

I further announce that the Senator from Florida (Mr. GURNEY) is absent to attend the funeral of a relative.

The result was announced—yeas 69, nays 0, as follows:

[No. 455 Leg.]

YEAS—69

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|----------|-----------------|------------|
| Abourezk | Byrd; Robert C. | Haskell |
| Allen | Case | Hatfield |
| Bartlett | Chiles | Hathaway |
| Beall | Clark | Hruska |
| Bentsen | Cotton | Huddleston |
| Biden | Eagleton | Humphrey |
| Brook | Fannin | Jackson |
| Brooke | Fong | Javits |
| Buckley | Fulbright | Johnston |
| Burdick | Griffin | Kennedy |
| Byrd | Hart | Long |
| | Harry F., Jr. | Hartke |
| | | Magnuson |