

problem and to develop a practical solution through research which will be made available to those who are involved, and to also set up a system on a national basis to learn how effective the solutions prove to be.

The bill I am introducing would authorize the Secretary of Agriculture to set up a definitive study to include all segments of the industries involved in the marketing and transportation of cattle and to combine their knowledge in an effort to improve the situation. The support for this study is strong in all segments of the industries involved.

The complexity of the issues and problems involved is enormous and the causation factors which have been suggested are many. Therefore, it is necessary that the Secretary of Agriculture have broad discretion to study the overall problem and ample time to come up with workable solutions.

My bill would authorize and direct the Secretary of Agriculture to conduct an intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost through injury and disease during transportation for commercial purposes. Several problematic areas are mentioned in the bill, but this is not intended to limit the Secretary's discretion in his search and evaluation of the problem. I feel that this is one of the greatest controllable factors in livestock production costs and, given reasonable support through research, dramatic improvements can quickly follow. The results from this kind of improvement will flow to the consumer, and we will all benefit through lower prices of food as well as in having more abundant supplies. The producers will benefit through lower costs of production.

That is the purpose of this bill and I would urge my fellow Senators to give full consideration to the early adoption of this bill.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to carry out a comprehensive study and investigation to determine the reasons for the extensive loss of livestock sustained each year, through injury and disease, while such livestock is being transported in interstate commerce for commercial purposes. The Secretary is also authorized and directed to conduct, in connection with such study and investigation, and intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost, through injury and disease, during transportation for commercial purposes. In carrying out such study and investigation and such research, the Secretary shall devote special attention to—

(1) the incidence of respiratory diseases among animals transported in interstate commerce;

(2) the effects of diesel fumes on animals transported in vehicles using diesel fuel;

(3) the adequacy of current laws and regulations pertaining to the transportation of livestock;

(4) whether sufficient preconditioning procedures are required and enforced in connection with the transportation of livestock in interstate commerce;

(5) the instances in which livestock is unable to withstand long hauls because of insufficient maturity;

(6) the adequacy of ventilation and other design requirements of the vehicle or other containers in which livestock is transported;

(7) the effect of mixing livestock that has been properly preconditioned with livestock that has not been properly preconditioned or that is sick or diseased;

(8) whether livestock transported in interstate commerce should be identified in such a manner as to permit instant identification of the transportation origin of such livestock and provide other pertinent information;

(9) the methods and techniques of loading and unloading livestock, the care and treatment given livestock during transportation, the effect of time and weather conditions on livestock during transportation, requirements with respect to the crowding of livestock during transportation, and the care and treatment of livestock at stock yards and other places at which livestock may be held during the course of transporting livestock;

(10) any other stresses to which livestock may be subjected during transportation that may result in the sickness or death of such livestock; and

(11) such other matters as he deems pertinent to the study and investigation and research authorized by this Act.

SEC. 2. The Secretary of Agriculture shall submit to the Congress not more than four years after the date of enactment of this Act a final report on the results of his study and investigation and research together with such recommendations for administrative and legislative action as he deems appropriate. He shall submit such interim reports to the Congress as he deems advisable, but at least one at the end of each twelve month period following the date of enactment of this Act.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than \$500,000 in any fiscal year.

By Mr. SCHWEIKER:

S. 1707. A bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government, responsible to the Congress, and to provide for the term and succession of the Director and Deputy Director. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I am introducing a bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch, with direct responsibility to Congress and, even more important, to provide for the insulation of the Director and Deputy Director of the FBI from political pressures.

Mr. President, I regret to say that at this point in our history, no one needs to explain to this distinguished body the critical need for an independent Federal Bureau of Investigation. The evidence is before us daily, in the newspapers and in the media, and in the deluge of mail which we are all receiving from our constituents expressing outrage over the apparent involvement of the FBI in the Watergate mess.

Several of my distinguished colleagues, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Tennessee (Mr. BROCK), and the Senator

from Washington (Mr. JACKSON), have also responded to this situation, and I commend their efforts.

With all respect, however, I think that the developing FBI crisis has passed the point where it can be dealt with by simply appointing the Director for a fixed term, although that is certainly an essential first step, and it is included in my bill. Recent disclosures have made it clear that the FBI will not be truly independent until its Director and Deputy Director and any interim or acting Directors, are fully insulated from political pressure.

The FBI as an institution has rendered great service to this Nation over the years. Individual FBI agents, as well as the administrators and executives of the FBI, have performed ably and courageously in the overwhelming majority of cases, and they have been a great credit to their country.

To insure that this record of unselfish public service can continue, I have prepared legislation which will insulate the Director and Deputy Director from political pressure. It will insure that no Acting or Deputy Director will ever again be subjected to pressures to perform acts for political purposes, in order to gain promotion within the Bureau. The bill which I am now introducing will accomplish this in the following ways:

First, the Director and Deputy Director will be appointed by the President, with the advice and consent of the Senate, for a term of 10 years, and no Director or Acting Director can succeed himself, or serve as Director more than 12 years during any 22-year period.

Second, my bill provides that if the President desires to appoint the Deputy Director to succeed a Director, he must do so within 20 days following the termination of the Director's service. It would make any Acting Director ineligible to be appointed Director. This will eliminate the situation where the Deputy or Acting Director waits in limbo for his promotion, under great pressure to perform any chore requested by the executive branch.

Third, the FBI will be established as an independent agency of the executive branch, but with direct accountability to Congress. An annual report, including detailed financial data, will be required to be filed by the Director simultaneously with the President and with the Congress, and the Director will be required, if requested by one-third of the members of either the House or Senate Judiciary Committees, to appear in person and expand upon the written report.

Finally, my bill provides that the President shall dismiss a Director for malfeasance in office or neglect of duty or permanent incapacity, but it specifically provides that the failure of the Director to follow directives from the executive or legislative branches shall not be grounds for dismissal, unless such failure constitutes malfeasance in office or neglect of duty.

It is high time that we place the FBI above politics, and free the Director from the kind of carrot-and-stick pressures which we have recently witnessed. Under the present law, the carrot of possible appointment as Director has proved to be irresistible, and it has allowed the ex-

ecutive branch to apply the stick and demand obedience. This must stop, and the bill which I now introduce will stop it.

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

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

S. 1707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Federal Bureau of Investigation Act".

ESTABLISHMENT

SEC. 2. (a) There is established as an independent establishment of the executive branch of the United States Government, the Federal Bureau of Investigation (referred to in this Act as the "Bureau").

(b) (1) The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Bureau a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of the Director and the Deputy Director shall be ten years, except that any Director or Deputy Director appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term, the Director and the Deputy Director shall continue to serve until his successor has been appointed and has qualified, except that neither the Director nor the Deputy Director may serve under the authority of this sentence for a period longer than sixty days after the expiration of that term.

(3) The Deputy Director may be appointed to a full term as Director: *Provided*, That such nomination is made within twenty days after the expiration of the termination of service of the prior Director. If after the expiration of twenty days following the termination of the prior Director's service, the Deputy Director has not been appointed to succeed as Director he shall be ineligible for the office of Director for a period of ten years thereafter. No individual serving as Director may be appointed to succeed himself, regardless of the period of time he has served as Director. No acting Director shall be eligible for appointment as Director. No individual may hold the office of Director more than twelve years during any twenty-two year period.

(4) The President shall remove the Director or Deputy Director from office, prior to the expiration of their respective terms, for malfeasance in office, neglect of their duties, or permanent incapacity. Failure to follow a directive from any member of the executive branch or legislative branch of government shall not constitute grounds for removal from office unless such failure constitutes a dereliction of the lawful duties of the Director or Deputy Director.

(5) The Deputy Director shall perform such functions as the Director may prescribe and shall be the acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Bureau not to exceed twelve Assistant Directors.

FUNCTIONS

SEC. 3. (a) There are transferred to the Bureau and the Bureau shall perform all functions carried out by the Federal Bureau of Investigation, Department of Justice.

(b) There are transferred to the Bureau, and the Bureau shall perform, all functions of the Attorney General, with respect to, and

being administered through, the Federal Bureau of Investigation, Department of Justice.

(c) The Bureau is authorized to—

(1) detect and investigate crimes against the United States;

(2) assist in the protection of the President; and

(3) upon the request of the President, conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as he may direct.

This subsection does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies.

(d) The Director shall cooperate fully with the Attorney General with respect to the investigation and prosecution of crimes against the United States.

(e) The Director shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions.

The exchange of records authorized by clause (2) of this subsection is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(f) (1) The Director and the Bureau may investigate any violation of title 18, United States Code, involving Government officers and employees—

(A) notwithstanding any other provision of law; and

(B) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(2) Any information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of such title 18 involving Government officers and employees shall be expeditiously reported to the Director by the head of the department or agency, unless—

(A) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by any other provision of law; or

(B) as to any department or agency of the Government, the Director directs otherwise with respect to a specified class of information, allegation, or complaint.

(3) This section does not limit—

(A) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice); or

(B) the primary authority of the United States Postal Service to investigate postal offenses.

PERSONNEL OF THE BUREAU

SEC. 4. (a) The Director may appoint such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) (1) Section 5313 of title 5, United States Code, relating to level II of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(22) Director, Federal Bureau of Investigation."

(2) Section 5314 of such title, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(60) Deputy Director, Federal Bureau of Investigation."

(3) Section 5315 of such title, relating to level IV of the Executive Schedule, is

amended by adding at the end thereof the following new paragraph:

"(98) Assistant Director, Federal Bureau of Investigation (12)."

(c) The Director is authorized to fix the compensation of the personnel of the Bureau and to prescribe their functions and duties.

(d) The Director may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFERS

SEC. 5. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 3, are transferred to the Bureau.

(b) All personnel transferred by this Act shall remain in the excepted service.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The Director may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Bureau by this Act, delegate any of his functions to such officers and employees of the Bureau as the Director may designate, and may authorize such successive redelegations of such functions as he may deem desirable.

(b) In order to carry out the provisions of this Act, the Bureau is authorized—

(1) to adopt, alter, and use a seal;

(2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(4) to enter into contracts or other arrangements or modifications thereof, with any agency or department of the United States, or with any State or political subdivision thereof, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(6) to utilize, with their consent, the services, equipment, personnel, and facilities of any other department or agency of the United States, with or without reimbursement;

(7) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses including per diem, as authorized by section 5703 of title 5, United States Code;

(8) to make other necessary expenditures; and

(9) to take such other action as may be necessary to carry out the provisions of this Act.

(c) Upon request made by the Director each Federal department and agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with the laws to the Bureau in the performance of its functions.

EXPENSES OF UNFORESEEN EMERGENCIES OF A CONFIDENTIAL CHARACTER

SEC. 7. Appropriations for the Bureau are available for expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to

be spent under the direction of the Director. The Director shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

ANNUAL REPORT

Sec. 8. The Director shall, as soon as practicable after the end of each fiscal year, make a report in writing, to be delivered simultaneously to the President and to the Congress, on the activities of the Bureau during the preceding fiscal year, including a complete financial statement describing all expenses of the Bureau including confidential expenses as certified by the Director under section 7 of this Act. Upon the request of one-third of the members of the Judiciary Committee of either the House of Representatives or the Senate, the Director shall appear in person, during a closed session of either such Committee, or both, and shall respond to any questions concerning the operation of the Bureau, and shall, upon request, disclose all details concerning any expenses certified as confidential under any such report.

SAVINGS PROVISIONS

Sec. 9. (a) All orders, determinations, rules, regulations, permit, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any department or agency, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Bureau. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Bureau, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Bureau as may be appropriate and, in any litigation pending when this sec-

tion takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) if before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency, or any part thereof, is transferred to the Bureau; or

(B) any function of such department or agency, or part thereof, or officer is transferred to the Bureau,

then such suit shall be continued by the Bureau.

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Bureau or the officer in which such function is vested pursuant to this Act.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Bureau in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Bureau.

(g) In the exercise of the functions transferred under this Act, the Bureau shall have the same authority as that vested in the department or agency, or part thereof, exercising such functions immediately preceding their transfer, and actions of the Bureau in exercising such functions shall have the same force and effect as when exercised by such department or agency.

REPEALER

Sec. 10. (a) (1) Chapter 33 of title 28, United States Code, is repealed.

(2) The table of chapters of part II of such title is amended by striking out

"33. Federal Bureau of Investigation... 531".

(b) Title VI of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

EFFECTIVE DATE: INITIAL APPOINTMENT OF OFFICERS

Sec. 11. (a) This Act, and amendments made by this Act, other than this section and section 9, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 2 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the appropriate rates provided for in this Act or amendments made by this Act. Such compensation and related expenses of such officers shall be paid from funds available for the functions to be transferred to the Bureau under this Act.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. WILLIAMS, Mr. BAKER, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. GOLDWATER, Mr. HART, Mr. INOUE, Mr. JACKSON, Mr. MCGEE, Mr. MCGOVERN, Mr.

METCALF, Mr. MOSS, Mr. PACKWOOD, and Mr. STEVENSON):

S. 1708. A bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training and public information activities, and population research. Referred to the Committee on Labor and Public Welfare.

S. 1708: FAMILY PLANNING SERVICES AND POPULATION RESEARCH AMENDMENTS OF 1973

Mr. CRANSTON. Mr. President, I am pleased to introduce S. 1708, the proposed "Family Planning Services and Population Research Amendments of 1973," and am gratified to be joined in introducing this legislation by the Senator from Ohio (Mr. TAFT), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. STEVENSON). The breadth of support for this measure and the title X family planning programs is illustrated by the 16 cosponsors, divided among both parties and all political philosophies.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970—PUBLIC LAW 91-572

Mr. President, the original passage of the Family Planning Services and Population Research Act of 1970 (Public Law 91-572) was the culmination of years of effort on the part of many groups and individuals to make family planning services available to all those who wanted but could not afford them, as well as to improve our knowledge in the field of human reproduction and population dynamics so that each individual family could determine its size by choice rather than by force of circumstances.

Public Law 91-572 created a new title X in the Public Health Service Act, providing for grants and contracts to assist in the establishment and operation of voluntary family planning projects; to provide training for personnel to carry out such programs; to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, and to train researchers for such fields; and to assist in developing and making available family planning and population information to all those individuals desiring such information. The legislation carried clear expressions of congressional intent that—

First, priority would be given in furnishing such services to persons from low-income families, and that no charge would be made to such individuals, except to the extent payment would be made by a third party;