

with "reminders that Africans, too, are struggling for their independence."

Third. That in Nyasaland, "American consular cars frequently have gotten mixed up in car processions of the Malawi Congress Party, making it appear as if U.S. officials and Malawi partisans are riding toward independence together."

Fourth. That in Southern Rhodesia, American consular men "have also been in close touch with Mr. Joshua Nkomo's Zambia movement." This liaison with Nkomo, it was charged, had been carried on "by both Americans and locally recruited African consular staff of U.S. diplomatic missions."

Sir Roy Welensky in June of 1962 ascribed what he called the present truculence of African leaders partly at least to American and United Nations encouragement.

Dissatisfaction was also expressed by the Rhodesians over the size of the U.S. diplomatic mission, which had a staff of nearly 200 persons, most of them locally employed Africans, and which was larger than any other diplomatic mission in the Federation, and even larger than the British High Commission in Rhodesia. These figures covered the two U.S. consulates in Lusaka and Zomba, as well as the Consulate General in Salisbury.

Throughout Africa, new countries have proliferated as the rising tide of black nationalism has spread across that continent. Every time a group of partially educated, half-savage tribes has constituted an alleged government and declared its country free and independent, we have been pressured by an unreasoning fear of world opinion into immediate recognition of that government. These new, unstable, little so-called countries are immediately admitted to the United Nations where each is given a voting strength the same as our own in that international body. We are told that under no circumstances must force be used to retain or recapture any of these newly declared independencies as territories or dominions of one of the civilized nations of the world.

But when Rhodesia declared its independence, there was a vast cry that force must be used to restore British control; and representatives of the United Kingdom at the United Nations were snubbed and insulted because Britain had not used immediate force to destroy Rhodesian independence.

Does that sound like a double standard? In reality it is not. It is a single standard. The basic principle is increased power for the blacks; but no increased power for the whites.

The first white settlements in central Africa were made only 75 years ago. If we want to understand how the white Rhodesians feel, it may help to imagine how the early settlers in any State of our Union would have felt at being told, 75 years after settlement of the State began, that they should turn over their government to the Indian because they were the true majority.

As I have pointed out, the United States is aiding the British embargo on

shipments to Rhodesia, and our State Department has even gone so far as to put pressure upon American users of chrome to halt purchases from Rhodesia, in spite of the fact that chrome is a critical metal in short supply in this country. But in agreeing to do all this, the United States has not obtained any agreement from Britain to assist us in an embargo or blockade against North Vietnam.

In fact, it does not even appear that our State Department sought such an agreement from Britain when we agreed to help Britain against Rhodesia.

This country has the necessary naval and air strength to enforce a sea blockade against North Vietnam. Those who argue against such a blockade make it a main point of their argument that Britain would not recognize the blockade, and, therefore, that we would be in trouble with our greatest ally if we should attempt to set up such a blockade. Sometimes, more euphemistically, those who argue along this line say that our allies would not recognize the blockade.

It is not at all certain that this is true. Perhaps the announcement of a blockade would give Britain a basis for cutting off trade which she now feels she must maintain in order to avoid offense to the Red Chinese, by whose sufferance alone Hong Kong is permitted to remain British territory.

Only 2 days ago the Commerce Department clamped controls on all exports from this country to Rhodesia. Perhaps there would be resistance by certain interests in the United Kingdom to similar action by that nation with respect to North Vietnam.

But since the United States is cutting off our shipments to and purchases from Rhodesia, in order to help Britain bring that turbulent dominion back under its control, why should we not ask Britain to help us cut off shipments of goods and supplies into North Vietnam, in aid of a defense against Communist aggression which is important to the whole free world?

One thing seems perfectly clear: we should not be asked to hold off on blocking North Vietnam because of any consideration for the British or their feelings about the matter.

If a blockade will help us in our struggle against Communist forces in South Vietnam, if it will help us to shorten the months and the years during which American fighting men must be kept in South Vietnam, if it will reduce in any degree the grisly total which eventually will represent our total casualties in South Vietnam, then a blockade must be undertaken, and the sooner the better.

The weight of the evidence so far adduced supports the conclusion that a blockade will help accomplish these objectives.

The conclusion seems inescapable that, unless there are important facts concealed from us, this country is not doing all it can to win in South Vietnam, and will not be doing so until a blockade of North Vietnam has been set up and made effective.

Mr. President, I ask unanimous consent to have printed in the Record a very able editorial entitled "On the U.S. Policy Toward Rhodesia," which appeared in the Vicksburg Evening Post, of Vicksburg, Miss., on Monday, February 28, 1966.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ON THE U.S. POLICY TOWARD RHODESIA

The Commerce Department announced Saturday it is putting controls on all U.S. exports to Southern Rhodesia, and said this action would have the effect of cutting off virtually all exports of importance to the economy of that African country. Previously the United States had put an embargo on arms, military equipment and all petroleum into Rhodesia. Exports to Rhodesia in 1964 were reported at about \$21 million, with the principal export items being construction machinery, transport equipment, textiles, paper and wheat. Now, practically everything we exported into Rhodesia comes under the controls.

It just doesn't follow correct reasoning to adopt such a course against Rhodesia. First of all, it injects our country into the internal affairs of another nation; second, the quarrel between Britain and Rhodesia is none of our business, and we should not take sides in what should be a family affair; third, we, too, broke away from Britain, and proclaimed our independence, and we might, at least, have some sympathy with Rhodesia; fourth, this is the modern day, when all ties with colonialism must be broken, and so Rhodesia should be as entirely free and independent, and should have the same right to freedom and independence as the other African nations which have blossomed out in recent years; but finally, and most important, there is absolutely no basis for us to accede to Britain's wishes for economic sanctions against Rhodesia, when that same Britain insists on doing business with Cuba and North Vietnam and Red China, all of which are our mortal enemies. If, indeed, Britain had any claim whatever on our friendship, then she should be an ally in fact, by refraining from helping out those who are arrayed against our Nation.

If the Members of the Senate of the United States want something to really argue about, they should turn their attention away from Vietnam, and turn their oratorical guns against our administration policy in Rhodesia. There is fertile ground for sound and serious protest, whereas no such ground now exists in Vietnam. We are being played for the proverbial sucker in Rhodesia, while we do nothing to make our supposed allies desist from trade with our enemies. There is justification for an all-out protest against our Rhodesian policy.

ESTABLISHMENT OF DEPARTMENT OF TRANSPORTATION

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to establish a Department of Transportation. Introduction of the bill is at the request of the President and the executive department of the Government.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. MAGNUSON. The bill would establish a 12th Cabinet Department. This is not a new proposal. The Commerce Committee of the Senate considered a

similar proposal for a Department of Transportation in hearings held as far back as 1948. The matter of a Department of Transportation had been before many Congresses prior to that time. I have personal knowledge of the hearings in 1948.

Since 1948, the proposal to establish a Transportation Cabinet Department has been brought up on many occasions, and many study groups have been appointed by the executive department, and by Congress itself, which have recommended such an establishment.

The Commerce Committee's Special Study Group on Transportation Policies in 1961 suggested that a Transportation Department be established.

As I recall, the opening part of the so-called Hoover Commission proposals on reorganization of the Government suggested a Department of Transportation.

Over 5 years ago President Eisenhower recommended to the Congress that such a Department be created. Of course, the need for such a Department has been growing since that time.

President Johnson in his state of the Union message pointed out that such a Department of Transportation is needed to bring together our transportation activities. He stated that the present structure—35 Government agencies, spending \$5 billion yearly—makes it impossible to serve either the growing demands of the Nation, the needs of the industry, or the right of the taxpayer to full efficiency and frugality.

The Congress in the exercise of its power to regulate commerce is vitally interested in insuring that the needs of commerce—communities, shippers, users, and carriers—for a safe, efficient, equitable, and balanced transportation network are served.

The geography of this country makes transportation more important to the economic scheme of this country than to any other country in the world, because of the land mass of the United States and the nature of our economy.

Expedient and effective decision on this bill would be facilitated if the administration would transmit to Congress the factual studies and underlying data on which this recommendation is based.

That, I understand, will be done quickly.

It has been a perennial problem in the field of transportation legislation to subject value judgments and opinions to factual analysis because the facts have not been readily available. Prompt receipt of this information will enable Congress not only to make a prompt decision, but also a better one.

Today the President has sent to Congress a message on transportation. Accompanying this organizational reform of one of the most vital aspects of governmental activities is the President's Transportation Message.

We have, of course, the best transportation system in the world. It has its flaws. But it is the only completely private enterprise transportation system in the world. Most countries have either government-owned transportation, or

the government completely controls transportation and finances it wholly or in major part.

Although we have many flaws, we have a good system. Sometimes it is a marvel to me that it survives as a private enterprise. But it has flourished as a result of private initiative and endeavor. It has also grown with the encouragement and support of various governmental programs. I do not think that we should forget these aspects.

These programs of the government are widely dispersed and uncoordinated. Lately we have begun to aid our transportation system by research.

The bill which I have just introduced on automotive safety carries out that trend in order that we might have greater safety on our highways.

The President has alluded to 35 different departments and agencies involved in transportation, and stated that these programs involve vast sums of Federal money.

Transportation is so much an integral part of our economy, and so important to our economy, that few people realize that transportation activities comprise about one-fourth of the gross national product of this country. It is big business.

We hope that by this bill, the Federal role in transportation will be given a truly national and meaningful effect. If we are ever to achieve a coordinated national transportation system we must reorient and redirect these many programs. The exploding population and economic growth of the Nation demand that we bring some order to the structure of the Federal Government as it is presently organized to deal with transportation.

If we fail to do so now it is obvious the task will become immeasurably more difficult in the future, for transportation needs and problems were multiply.

The importance of transportation as an element of the complex interrelationships of our economic system is increasing daily. Yet there is no one in the present Government organization, other than the President himself, who has authority to coordinate many aspects of Federal transportation policies and programs. The independent regulatory agencies, such as the CAB, the Interstate Commerce Commission, and others, are not able under present law to take such action efficiently and effectively. For our part, we can legislate, but we do not administer.

It is a fact of governmental life that transportation functions have not kept abreast of current or future requirements. Any projection into the future will confirm that conclusion.

If congressional transportation mandates are to meet the needs of the public, we must exercise foresight. This Nation must be assured of strong leadership in promoting advances in transportation technology for fast, efficient, economical service.

The bill attempts, and its objective is, to resolve these matters.

Departmental status would be conferred on those activities which repre-

sent the preponderance of government money and personnel concerned with transportation.

The key modes are the Bureau of Public Roads, which today is next to the Department of Defense as the second largest business in the world.

The Federal Aviation Agency which deals with the sensitive problem of airplane safety is another. It now costs us almost three-quarters of a billion dollars to operate this agency in order to keep the safety features of our airplanes intact and up to date. The FAA would be included in the proposed Department of Transportation.

The Maritime Administration—that is, the Maritime Administrator in the Department of Commerce which now has a single head as distinguished from the Maritime Commission, which has other functions—will also be transferred. There are provisions for integrating our merchant marine into this new department. It will bring the merchant marine into proper relationship with other forms of transportation, rather than operating by itself.

My friend from Oregon and I are interested in the proposed transfer of the Coast Guard into the new department.

Mr. GRUENING. Mr. President, would the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GRUENING. The Coast Guard renders invaluable service in Alaska, as it does in other parts of the Union. But there is no State in which the service of the Coast Guard is more valued and highly regarded than it is in Alaska. Our people are so glad to see them going out saving lives. It is one of the most cherished things that we have.

Mr. MAGNUSON. As an aid to water operations.

Mr. GRUENING. And I hope that nothing is done to impair its usefulness.

Mr. MAGNUSON. Also transferred is the Office of the Under Secretary of Commerce for Transportation and its existing responsibilities.

This is a complex and major piece of legislation. It is probably the most important in many years in this field. Because of all of the activities that it covers no one will suggest, not even the chairman, that the bill should not be modified. There will be some portions that need to be corrected and some that may be opposed by Members of Congress. The administration has no particular pride of authorship. They are sending it up to make a start toward a Department of Transportation.

The bill would transfer to the new department Federal safety functions pertaining to all modes of transportation. From the Interstate Commerce Commission, would come rail, motor, and pipeline safety functions.

The Interstate Commerce Commission has a Locomotive Inspection Section in the Bureau of Railroad Safety and Service which is supposed to be responsible for the safety of trains. We give them a niggardly amount every year to inspect locomotives and cars. I believe there have been too many railroad accidents lately. Much of it goes back to

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the fact that locomotives and cars have not been inspected as they should be. That function would be transferred.

Then there is the motor carrier safety functions. I do not know how we are going to reach what some of us in the transportation field call the "gypsy" operator. Mainly, they are vehicles in agricultural hauling. They are never inspected. Few farmers today use trucks to haul goods except for short distances. The bulk is carried by "gypsy" operators. Fifty States have 50 different varieties of motor carrier inspection, and the result is that some of these trucks are not in very good condition. There are many accidents occurring in this field. Federal motor carrier safety functions would be transferred to this new department and consolidated with other features of transportation.

Pipeline safety might sound unimportant, but there are extensive pipeline systems in this country.

The bill would transfer Federal safety functions pertaining to all modes of transportation—rail, motor, and pipeline—from the Interstate Commerce Commission; aviation from the Civil Aeronautics Board; and water from the Coast Guard.

Pipelines are constantly blowing up and causing trouble and stoppages because the lines extend for hundreds of miles. Pipelines now under the ICC would be included. Every sensitive field of transportation safety would be included in the new department.

The safety provisions and safety responsibilities with respect to aviation now in the Civil Aeronautics Board would be transferred to the new department, as would those of the Federal Aviation Agency, and the Coast Guard.

The bill also requires that accident causation be determined by an independent National Transportation Safety Board. A five-member board is proposed in the bill. They would be appointed by the President, and their nominations confirmed by the Senate. They would have independent responsibility to examine causes of accidents in all fields. No one is suggesting that the safety board would be an organization whose personnel would go out to investigate each individual automobile accident. Its purpose would be to consider patterns of accident causation.

The President's message endorses the tire safety bill, which I sponsored and which the Committee on Commerce, at its next meeting, is ready to report to the Senate. The Transportation Safety Board might consider all phases of tire safety, from the manufacture of new tires to tire retreading. Such a board would be an independent safety board. I hope it will be possible to secure members that will be as objective as possible, because such a board would correlate safety in all fields.

The bill which I have just introduced will be followed by another bill dealing with safety at sea. The regulations for safety at sea need to be revised. However, we are waiting until the Coast Guard finishes its inquiry into the Yarmouth Castle tragedy, to ascertain what

should be done in that respect, and what might be done to improve the safety of foreign ships coming into this country. Such ships obviously do not have the same minimum safety standards that are required for U.S.-flag ships.

Also, operational units and functions of certain agencies relating to other aspects of transportation would be transferred to the new department.

One feature of the bill will have to be considered very carefully. I do not know whether it would be helpful, but we shall explore it and listen to everyone who has ideas. Certain functions of the Corps of Engineers pertaining to anchorages, bridges, and tolls would be transferred. The Alaska Railroad and the St. Lawrence Waterway Development Corporation would be transferred. This can be done by executive order, to fit those agencies into the proposed new Department. It will be necessary to define precisely where the dividing line will be with respect to the functions of the Corps of Engineers as they pertain to many operations that might have some transportation benefits, but as to which the main purpose of the project or the program would not be transportation.

The transfers I have mentioned contemplate an essential nucleus around which sound national transportation policy can be developed, implemented, and coordinated.

The bill also provides that the Secretary of Transportation shall develop economic criteria and data for use by departments and agencies of the Federal Government in the investment of Federal funds in transportation of facilities and equipment. Defense, foreign assistance, and interoceanic canal matters would be exempted from this feature. Perhaps, high speed transit systems also would be excepted, at least for the time being.

In a somewhat similar vein, in connection with the subsidy element of rate-making for the transportation of mail, the bill provides for the Civil Aeronautics Board to take into consideration principles and criteria prescribed by the Secretary of Transportation for determining the character and quality of transportation required for the commerce of the United States and the national defense.

Another subject is of interest to about 80 percent of the membership of the Senate. At one time it was of interest only to Senators west of the Mississippi River. Now, however, about 80 to 85 percent of the Members of the Senate are interested. We out West are highly conscious of this matter, but other areas of the country are also becoming quite conscious of it. It is a serious obstacle to the achievement of a decent transportation system in this country. I refer to a condition that has plagued us out West for many years—the boxcar shortages. Our lumber mills and plywood mills cannot obtain cars to move cargo even a few miles to the docks at a time when we are trying to encourage export trade.

At one time a bill would be reported at every session of Congress from the Committee on Commerce, and we would count noses. Every Senator from east of the

Mississippi would vote against the bill, and every Senator from west of the Mississippi would vote for the bill. At that time more Senators opposed such a bill than favored it, so it was not possible to have such a bill passed. Now the boxcar shortage is national; it affects every area; and it is growing worse. Last year the peak car shortages, on the average, ran about 7,000 cars a day. Now, the Interstate Commerce Commission reports, the shortage is more than 15,000 cars a day.

The Senate has passed a bill to end freight car shortages. It has not yet been reported from the House Committee on Rules. I am hoping that the Members of the House will find it possible to expedite action on the bill. The provisions of that bill to end these shortages, I hope will be transferred to the Department of Transportation, because the new Department could correlate the problem of boxcar shortages with the problems of other modes of transportation to the end of expeditiously moving our products.

The bill does not assume military or government traffic management functions; rather, its purpose is to confer needed responsibility where none has existed; to bring coordination into areas lacking it; to bring consistency of policy in place of fragmentation; and to recognize the concern with the public interest by Congress, the President, the States, labor, management, shippers, and travelers. All in all, this bill is a great step in the right direction.

Lastly, the message calls for—and this has long been an idea of many members of the Committee on Commerce—a permanent Chairman of the Interstate Commerce Commission. That Commission is the only independent agency that does not have what is called a permanent Chairman; all the other agencies do. By that statement, I do not mean that his service would be permanent, but that he would serve his term as Chairman by the appointment of the President. The Interstate Commerce Commission has had what is called a revolving chairmanship. Every year it has a new Chairman. Some times that causes problems. I think the bill will be helpful in that field.

The bill is broad. It ties in with the proposed automobile safety legislation, which was introduced today, and with other fields, including tire safety, which is a necessary requirement in the field of automobile safety.

There is one more problem. I am sure the Committee on Government Operations will hold hearings on this bill as it affects the executive department. In the field of automobile research, the suggestion was first made that trust fund monies be used for such research. A contrary suggestion was then made that perhaps that should not be done because, primarily, it was trust fund income. It was pointed out that such research should stand on its own feet. It may be that a percentage of the revived automobile excise tax could be used for research in the field of automobile safety.

This bill is all-encompassing in its field. It is probably the most important bill introduced with respect to trans-

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portation since the origin of the Interstate Commerce Act.

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

Mr. MAGNUSON. I yield.

Mr. GRUENING. Mr. President, I express my gratitude that the senior Senator from Washington, chairman of the Committee on Commerce, will be in charge of the far-reaching proposed legislation on transportation. No one knows better than he how dependent Alaska is on transportation. For Alaska, though physiographically part of the continent, is economically an island. Its very life is dependent upon transportation. No Senator has contributed more usefully, effectively, and devotedly to this activity than has the senior Senator from Washington who is now in charge of the bill.

The Senator from Washington knows that the greatest part of American transportation to Alaska originates in his home city of Seattle, whether by sea, air, or highway.

It was none other than the senior Senator from Washington who embraced the idea, and carried it to execution, of the Alaska Highway. He was the Chairman of the Alaska International Highway Commission, the legislation to create which he sponsored, and I was a member. The Senator will recall that in consequence he and I together made a trip by air over the then nonexistent and proposed routes of the highway in 1939.

The Senator will recall that he was so eager to get going that he neglected to change to heavier clothing and wore his palm beach suit and straw hat. He was willing to travel into those northern latitudes without changing his garments. He wanted action and we got it. Alaska owes a great deal to Senator WARREN MAGNUSON. I am very happy that this new, comprehensive approach will be considered under his guidance.

Mr. MAGNUSON. Mr. President, I am a little pressed for time. I do not have time to reminisce with my good friend, the senior Senator from Alaska, who was then the Governor of Alaska. That was quite a trip. I do not believe that I could make that trip now in a lightweight suit. However, we did it then, and the result is that we do have an Alaska Highway today. It should be paved.

Mr. GRUENING. Certainly.

Mr. MAGNUSON. The highway is serving a great purpose. I think that this new Department should take a look at this whole matter as it relates to sea and highway transportation, highway paving, and the Alaskan Railroad.

I expect that the new Department will do this and that such problems can be correlated. There is a problem as to the role of common carriage to Alaska as against chartered trucks. There is remarkable progress in some fields. Copper ore is now being hauled along that highway from the Kennecott mine for refining in Vancouver and Tacoma. That is one use to which the highway can be put.

I think that water transportation is improving because there is a little competition.

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Mr. GRUENING. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. GRUENING. Mr. President, I hope that the committee plans to hold hearings at various communities in Alaska, all of which points are so vitally concerned—along the steamship route, such as Ketchikan, Wrangell, Petersburg, Sitka, Juneau, Haines, and Skagway; and points along the Alaska Railroad such as Seward, Anchorage, and Fairbanks, and also at Kodiak and Nome. These cities are all vitally concerned.

It is very important that representatives of these cities be afforded a chance to be heard before any legislation is enacted.

Mr. MAGNUSON. Lengthy hearings will be held. The Committee on Government Operations is responsible for executive reorganization. The distinguished chairman of that committee, the Senator from Arkansas [Mr. McCLELLAN] told me that the committee would immediately start to work on this matter.

We would like to pass this bill in this session. Whatever version of the bill Congress decides to pass should be placed on the books as soon as possible because transportation is a very explosive thing in our country. Transportation is vitally needed to keep our economy alive and strong, not that it has not been doing a good job. However, we can better meet the problems of the future if we have more adequate transportation.

I do not know how many people realize it, but many matters which appear to be urgent at this time will be very urgent 10 years from now.

Thirty-five years from now, in terms of population and facilities, America will be placed on top of the America which presently exists. There will have to be two schools rather than one, two or more hospitals beds rather than one, and perhaps six or more highways rather than the one highway of today. There will be 140 million automobiles on the highways.

Many things must be done to lay the foundation and establish guidelines, such as has been done by the fine work of the senior Senator from Oregon in establishing guidelines in the field of education.

We will thank the Lord 10 years from now that something was done about this matter. Perhaps we are late in acting even at this date.

There will be a completely new America 35 years from now. It took over 175 years to develop the America that exists today. Thirty-five years from now there will be an additional 162 million people.

We hope that we can establish some guidelines, not only for now, but also for the future, so as to create efficient, safe, and economical transportation in the field of transportation which is so important to our economy.

Mr. President, I understand that the President's message on transportation was printed in the Record earlier.

I ask unanimous consent that a section-by-section summary, together with

a technical addendum thereto, be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the summary and addendum will be printed in the Record.

The bill (S. 3010) to establish a Department of Transportation, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The section-by-section summary and the technical addendum thereto, presented by Mr. MAGNUSON, are as follows: SECTION-BY-SECTION SUMMARY, DEPARTMENT OF TRANSPORTATION

Section 1 provides that the act would be cited as the Department of Transportation Act.

DECLARATION OF PURPOSE

Section 2 sets forth the basic purposes for the establishment of the Department. Congress would declare that the Nation requires development and implementation of national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources.

Congress would find that a Department of Transportation is necessary in the public interest and to assure the coordinated, effective administration of the transportation programs of the Federal Government; to facilitate the development and improvement of coordinated transportation service to be provided by private enterprise to the maximum extent feasible; to encourage the cooperation of government, industry, labor, and other interested parties toward the achievement of national transportation objectives; to stimulate technological advances in transportation, to provide leadership in the identification and solution of transportation problems and to develop and recommend national transportation policies and programs with full consideration of the needs of the public, users, carriers, labor, and the national defense.

ESTABLISHMENT OF DEPARTMENT

Section 3(a) would establish a Department of Transportation and provide for a Secretary of Transportation to be appointed by the President, by and with the advice and consent of the Senate.

Sections 3(b) and (c) provide for an Under Secretary of Transportation, four Assistant Secretaries, and a General Counsel. These officials would be appointed by the President, by and with the advice and consent of the Senate.

Section 3(d) provides for an Assistant Secretary for Administration to be appointed by the Secretary under the classified civil service, with the approval of the President.

GENERAL PROVISIONS

Section 4(a) provides that the Secretary shall exercise leadership under the direction of the President in transportation matters and develop national transportation policies and programs. The Secretary would carry them out or make recommendations for their implementation to the President, the Congress, or the transportation regulatory agencies, as appropriate. This would include participation by the Secretary as a party in proceedings before the regulatory agencies. The subsection also provides for

the Secretary to promote and develop transportation information and research and development in transportation. Transportation would, of course, include all modes of transportation, as well as all types of transportation facilities (e.g., airports) and services (e.g., freight forwarding).

Section 4(b) provides that the Secretary shall give full consideration to the need for operational continuity of the functions transferred by the act, to the need for effectiveness and safety in transportation systems and to the needs of the national defense. This section is intended to prevent undue disruption within the new Department of the functions now being performed by the various operating units which would be the foundation of the Department in order to help assure that the Department will accomplish the stated purposes of the bill.

Section 4(c) would permit the Secretary to provide for emergency medical services, food, quarters, and other specified services generally on a reimbursable basis, to employees and dependents stationed at remote localities, when such services are not otherwise available. The section is not intended to detract from existing authority in agencies transferred.

Sections 4(d), (e), and (f) would authorize the Secretary to accept gifts and bequests of property to aid the work of the Department. Money gifts and bequests would be deposited in the Treasury in a separate fund to be disbursed on order of the Secretary of Transportation. Such gifts and bequests would be considered as gifts to the United States for tax purposes. The Secretary of the Treasury, upon request of the Secretary of Transportation, would be authorized to invest money gifts in U.S. or U.S.-guaranteed securities.

Sections 4(g) and (h) would authorize the Secretary to make special statistical studies in transportation, upon request of any person, firm, or corporation, on a cost reimbursable basis.

Section 4(i) would authorize the Secretary to appoint advisory committees. Members would be authorized per diem and travel expense in accordance with existing law.

Section 4(j) would make orders and actions of the Secretary in the exercise of the functions transferred to him under the act, subject to judicial review to the same extent and in the same manner as if such orders and actions were issued and taken by the agency from which the function was transferred.

Section 4(k) provides that the Secretary, in the exercise of the functions transferred to him under this act, shall have the same powers that are vested in the agency originally exercising such functions. These powers include the authority to hold hearings, issue subpoenas, administer oaths, examine witnesses, take depositions, and compel testimony. The section would, for example, provide the Secretary the same authority as the Civil Aeronautics Board has in section 1004 of the Federal Aviation Act of 1958 for use in the exercise of the functions transferred to him from the CAB.

Section 4(l) provides that officers and enlisted men on active duty in the Coast Guard are not precluded from appointment to any position in the Department other than Secretary, Under Secretary, and Assistant Secretary for Administration. Retired officers and enlisted men of the Coast Guard could be appointed to any position in the Department. The military status of persons appointed under this section would not be affected by the appointment. This section is included so that the military status of personnel of one of the major components of the new Department will not preclude their use in positions within the Department requiring expertise and experience in

the fields of transportation, management and administration gained through service in the Coast Guard. The section would not otherwise change the general law applicable to service in a department by members of the armed services.

NATIONAL TRANSPORTATION SAFETY BOARD

Section 5(a) would establish within the Department a National Transportation Safety Board which would exercise the functions transferred to the Secretary by this act with regard to the determination of cause or probable cause of transportation accidents, and with regard to the review on appeal of the suspension, alteration, modification, revocation, or denial of any certificate or license issued by the Secretary. It is anticipated that the Board would establish criteria specifying the type of cases it will consider or review so as to exclude cases of limited impact on the transportation industry, personnel employed therein, and the public.

The Board would be independent of the Secretary and of the operating units of the Department.

Sections 5(b), (c), (d), and (e) generally provide that members of the Board would be appointed with regard to their fitness to perform the functions of the Board, by the President, by and with the advice and consent of the Senate; that Board members would serve 5-year terms and be removable only for cause; and that the President would appoint a Chairman whose duties are prescribed. The Chairman would be compensated at level V of the Federal Executive Salary Act of 1964 and members would be compensated at grade 18 level. Other details are set forth in the bill.

Sections 5(f), (g), (h), (i), (j), and (k) generally provide that the Board could issue appropriate rules and regulations to carry out its functions; that the Board, its members, and hearing examiners could issue subpoenas, and perform other acts necessary to carry out the functions of the Board; that the Board could delegate its functions subject to the proviso in section 701(g) of the Federal Aviation Act of 1958 which would prohibit the Secretary from participating in determinations of probable cause in air accidents; that the Board could make recommendations concerning transportation safety and rules and procedures for the conduct of accident investigations to the Secretary; that the Board could employ persons under the civil service; and that the Secretary shall provide financial and administrative services to the Board, on a reimbursable basis. Other details are set forth in the bill.

TRANSFERS TO DEPARTMENT

Section 6(a) would transfer to the Secretary of Transportation all of the functions, powers, and duties of the Secretary of Commerce and other officers and offices of the Department of Commerce under various specified statutes. These transfers are the functions of the Secretary administered by the Under Secretary of Commerce for Transportation, including the high-speed ground transportation program, the aviation loan guarantee program, the aviation war risk insurance program, the Great Lakes Pilotage Administration, the Maritime Administration, and the Bureau of Public Roads. The Maritime Administration, among many other maritime activities, has responsibility for operating-differential subsidy and construction-differential subsidy for the U.S. merchant marine and shipping industry. The Bureau of Public Roads, among its many highway activities, is responsible for the apportioning and expending of moneys from the highway trust fund for the Federal-aid highway systems.

Section 6(b) would transfer the Coast Guard to the Secretary of Transportation, as

well as functions of the Secretary of the Treasury which relate to the Coast Guard. The Coast Guard would be transferred and would operate in the new department as a complete organizational unit. In time of war or when the President directs, the Coast Guard, together with its functions, would be transferred to the Secretary of the Navy, as provided in existing law. Section 6(b)(3) would transfer the functions of the General Counsel of the Department of the Treasury under the Uniform Code of Military Justice to the General Counsel of the new department. This would preserve the plan embodied in existing law wherein the Judge Advocates General of the Armed Forces exercise judicial functions with respect to review and final action concerning courts martial under the code and the Secretaries of the various departments exercise final approval authority together with such clemency action as they deem appropriate.

Section 6(c) would transfer to the Secretary of Transportation all of the functions, powers, and duties of the Federal Aviation Agency and of the other officers and offices thereof. The Federal Aviation Agency, among its many responsibilities in the field of air commerce, promulgates and enforces safety regulations concerning airmen and aircraft, certifies airmen, aircraft, and aviation schools, and conducts other air safety activities; develops, establishes, maintains, and operates a common system of air navigation and traffic control for civil and military aircraft; provides leadership and direction through the national Government industry program for the design and development of a commercial supersonic transport aircraft; and administers the Federal airport program.

Section 6(d) would transfer to the Secretary certain functions of the Civil Aeronautics Board which relate to safety. In general, these functions are to provide for independent review of actions denying or adversely affecting licenses issued under regulations governing air safety and to investigate the facts and circumstances relating to accidents involving civil aircraft and to determine the probable cause of such accidents; and to make recommendations to prevent such accidents in the future.

Section 6(e) would transfer to the Secretary the functions of the Interstate Commerce Commission (ICC) relating to the administration and enforcement of the various railroad, motor carrier, and pipeline safety laws, and those parts of part 1 of the Interstate Commerce Act which relate to car service. The car service functions transferred by this act would permit the Secretary to allocate, for optimum utilization and distribution, railroad freight equipment. Also transferred would be ICC functions with regard to safe transportation of explosives and other dangerous articles. In addition, the Secretary would be given the ICC's functions of setting geographical limits of standard time zones in the United States.

Section 6(f) would transfer to the Secretary certain specific functions of the Secretary of the Army. These are the authority to prescribe drawbridge regulations, to regulate rates on toll bridges, to control the location and clearances of bridges over navigable waters, to detect and enforce measures to prevent oil pollution, and to regulate the location for ships to anchor.

TRANSPORTATION INVESTMENT STANDARDS

Section 7(a) requires the Secretary of Transportation to develop standards and criteria, subject to Presidential approval, for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, with certain listed exceptions. Provision is made for consultation by the Secretary with the Water Resources Council in preparing compatible economic standards

applicable to transportation features of multipurpose water resource projects. Examples of investment excluded from coverage in the section are those of the Military Sea Transport Service (MSTS), the Military Airlift Command (MAC), the Panama Canal, and AID. Civil transportation investment proposals by the Department of Transportation itself, by the Army Corps of Engineers, and by other Federal agencies would be included.

Section 7(b) requires every survey, plan, or report formulated by a Federal agency which includes a proposal as to which the Secretary has issued standards and criteria pursuant to subsection (a) to be prepared in accord with those standards and criteria and on the basis of transportation data furnished by the Secretary of Transportation and coordinated by the proposing agency with the Secretary and other Government agencies before transmission to the President for appropriate disposition.

AMENDMENTS TO OTHER LAWS

Section 8(a) amends the Federal Aviation Act of 1958 (section 406(b)) by providing that, with respect to subsidy for air carriers, the Civil Aeronautics Board shall take into consideration standards and criteria prescribed by the Secretary of Transportation for determining the character and quality of transportation required for commerce of the United States and the national defense.

Section 8(b) would amend section 201 of the Appalachian Regional Development Act so as to provide that the Secretary of Transportation, rather than the Secretary of Commerce, would be authorized to assist in the construction of an Appalachian development highway system, and make the determination as to which provisions, if any, of the Federal highways laws are inconsistent with the Appalachian Act. The Appalachian Regional Development Commission would continue to submit for approval its recommendations to one Federal official, the Secretary of Commerce, who would transmit such recommendations as he approves to the Secretary of Transportation for approval. The Secretary of Transportation would be authorized to require participating States to use coal derivatives in the construction of roads. Federal assistance to any construction project could not exceed 50 percent of the cost, unless both the Secretary of Commerce and the Secretary of Transportation determine that additional Federal funds are required. Appropriations would be made to the Secretary of Commerce who would transfer funds to the Secretary of Transportation for administration of approved projects.

Section 8(c) would include the Secretary of Transportation in the list of those with whom the Appalachian Regional Development Commission shall consult.

Sections 8(d), (e), (f), (g), and (h) would amend various sections of the Interstate Commerce Act and the Fair Labor Standards Act of 1938, and the Federal Explosives Act to make the necessary changes to implement the transfers in section 6(e). The Secretary would receive the same authority as the ICC to administer, execute, and enforce the functions transferred to him.

ADMINISTRATIVE PROVISIONS

Sections 9(a), (b), and (c) would authorize the Secretary to appoint personnel under the civil service laws and to hire experts and consultants. The number of GS-16, GS-17, and GS-18 positions available within the Federal Government would be increased from 2,400 to 2,445. It is noted that the additional 45 would be in the addition to the increases proposed in S. 2393 and H.R. 10498.

Sections 9(d) and (e) would authorize the Secretary to arrange for participation of military personnel in carrying out his functions. Members of the Armed Forces could be as-

signed to the Secretary pursuant to cooperative agreements between the Secretary of Transportation and the military departments. These provisions are similar to existing provisions applicable to the Federal Aviation Agency. Members of the Armed Forces so detailed would not be charged against statutory limitations on grades or strengths applicable to the military departments, and appointment would in no way affect the status of the military personnel so assigned. Persons so assigned would not be subject to the direction or control of the Armed Forces with respect to the responsibilities exercised by such persons in the Department of Transportation. The Secretary would be required to report annually to the Congress on personnel appointed under subsection (d).

Section 9(f) would authorize the Secretary to delegate his functions and to issue appropriate rules and regulations.

Sections 9(g), (h), and (i) would transfer to the Secretary all personnel, assets, liabilities, and appropriations which relate to the functions transferred by the act. The Director of the Bureau of the Budget would have the authority to implement these transfers. Personnel transferred would be protected against reduction in classification and compensation for a period of 1 year. It is expected that most of the personnel would be assigned responsibilities in the new department comparable to those they presently perform, thus minimizing the likelihood of grade reduction. Personnel transferred, of course, would retain whatever rights and benefits to which they are presently entitled under applicable laws.

Section 9(j) would lapse the Office of the Under Secretary of Commerce for Transportation, the Maritime Administration, the Bureau of Public Roads, the Great Lakes Pilotage Administration, and the Federal Aviation Agency. The Coast Guard would not be lapsed. Any person holding a position in any such agency compensated under the Federal Executive Salary Schedule who, without a break in service, is appointed to a position having duties comparable to those he presently performs, would continue to be compensated at not less than the rate of his present position for the duration of his service in such position.

Section 9(k) would authorize the Secretary to establish a working capital fund, similar to those in other departments, for operating various common administrative services in the Department such as supply, messenger, mail, telephone, space, library, and reproduction services. Details are set forth in the bill.

Section 9(l) directs the Secretary to adopt a Department seal and provides for judicial notice of the seal.

CONFORMING AMENDMENTS TO OTHER LAWS

Section 10(a) would place the Secretary of Transportation in the line of succession to the Office of the President of the United States.

Sections 10(b) and (c) are technical provisions which would extend to the new department the provisions of title IV of the Revised Statutes, except to the extent inconsistent with the bill. These provisions deal with such matters as departmental vacancies, regulations, duties of clerks, details, and employment of personnel, oaths, subpoenas, and witness fees.

Section 10(d) amends section 303 of the Federal Executive Salary Act of 1964 by placing the Secretary of Housing and Urban Development and the Secretary of Transportation in level I of the Federal Executive Salary Schedule; by deleting the Under Secretary of Commerce for Transportation and inserting the Under Secretary of Transportation at level III; by adding four Assistant Secretaries of the Department of Transpor-

tation and a General Counsel of the Department of Transportation at level IV; and by adding an Assistant Secretary for Administration of the Department of Transportation and the chairman of the National Transportation Safety Board at level V. The section also authorizes the President to place one position in level III and a total of nine additional positions in level IV and level V of the executive salary schedule.

Section 10(e) removes from the Federal executive salary schedule, subject to the provisions of section 9 of the Department of Transportation Act, reference to the Administrator of the Federal Aviation Agency; Deputy Administrator, FAA; the Associate Administrator for Administration, FAA; the Associate Administrator for Development, FAA; the Associate Administrator for Programs, FAA; the General Counsel, FAA; the Federal Highway Administrator; and the Maritime Administrator.

Section 10(f) amends the act which makes the vessel operation revolving fund available to pay activation and deactivation cost of ships chartered out by the Secretary of Commerce so as to make it applicable to ships chartered out by the Secretary of Transportation.

Section 10(g) amends the act which prescribes a criminal penalty for false representations relating to highway projects submitted to the Secretary of Commerce so as to make it applicable to such projects submitted to the Secretary of Transportation.

Section 10(h) implements the provision of section 6(b)(3) of this act.

ANNUAL REPORT

Section 11 provides for an annual report.

SAVINGS PROVISIONS

Sections 12(a), (b), (c) and (d) provide that orders, regulations and the like, issued and in effect on the effective date of this section, by any department or agency, functions of which are transferred by this act, shall continue in effect until modified or changed by the Secretary or other legal authority; that proceedings before agencies at the effective date of the section shall continue before the new department; that court proceedings shall not be affected by this and including provision for appropriate substitution of successor parties; and that references in Federal laws, with respect to functions transferred by this act, would be deemed to mean the Secretary of Transportation.

SEPARABILITY

Section 13 provides a standard separability clause.

CODIFICATION

Section 14 would direct the Secretary to submit to the Congress within 2 years from the effective date of the act, a codification of all laws transferred to the Secretary by this act.

EFFECTIVE DATE

Section 15 would authorize the President to nominate and appoint the presidentially appointed officers provided for in sections 3 and 5 of the bill, as provided in those sections, at any time after the date of enactment of this bill. All other provisions of the bill would take effect 90 days after the Secretary first takes office, or on such prior date after enactment as the President prescribes in the Federal Register. Provision is made for compensation of appointed officers and related expenses of their offices, from funds available for the functions to be transferred to the Department under the bill.

TECHNICAL ADDENDUM TO SECTION-BY-SECTION SUMMARY—DEPARTMENT OF TRANSPORTATION

1. All citations in the bill, of course, are intended to refer to the most recent version of the law cited, including all amendments.

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2. Language identifying the subject matter being transferred is included in section 6 of the bill. Such language is intended merely for identification and, unless otherwise clear in the bill, is not intended to limit the transfer of the entire act or section of an act which is the subject of the transfer.

3. All citations in the bill are to the original Statutes at Large citation, except where the United States Code is positive law. The following cross reference to citations in the United States Code is supplied for convenience:

Section 4(i):

The Administrative Expense Act of 1946 (60 Stat. 808) (5 U.S.C. 73b-2).

Section 5(e):

The Federal Executive Salary Act of 1964 (78 Stat. 416) (5 U.S.C. 2211);

The Classification Act of 1949 (63 Stat. 954) (5 U.S.C. 1071).

Section 5(h):

Section 701(g) of the Federal Aviation Act of 1958 (72 Stat. 782) (49 U.S.C. 1441(g)).

Section 6(a):

The Federal-Aid Highway Act of 1962 (76 Stat. 1145) (no applicable code citation).

The act of July 14, 1960 (74 Stat. 526) as amended by the act of October 4, 1961 (75 Stat. 779) (no applicable code citation).

The Federal-Aid Highway Act of 1954 (68 Stat. 70) as amended by the act of October 13, 1964 (78 Stat. 1092) (no applicable code citation).

The Highway Revenue Act of 1956 (70 Stat. 387) as amended by the act of September 3, 1964 (78 Stat. 897) (no applicable code citation).

The Highway Beautification Act of 1965 (79 Stat. 1028) (no code citation as to sections 302-305 and 401-403 of the act).

The Alaska Omnibus Act (73 Stat. 141) (no applicable code citation).

Senate Joint Resolution 81 (79 Stat. 578) (no applicable code citation).

Section 525(c) of the General Bridge Act of 1946 (60 Stat. 847) (33 U.S.C. 525(c)).

The act of July 26, 1956 (70 Stat. 609) (no applicable code citation).

The act of December 21, 1944 (58 Stat. 846) (no applicable code citation).

The act of April 12, 1941 (55 Stat. 140) (no applicable code citation).

The act of April 27, 1962 (76 Stat. 59) (no applicable code citation).

The act of September 30, 1965 (79 Stat. 893) (49 U.S.C. 1631 et seq.).

The Urban Mass Transportation Act of 1964 (78 Stat. 302) (49 U.S.C. 1601 et seq.).

The act of September 7, 1957 (71 Stat. 629) (49 U.S.C. 1429 note).

Section 410 of the Federal Aviation Act of 1958 (72 Stat. 769) (49 U.S.C. 1380).

Title XIII, War Risk Insurance, of the Federal Aviation Act of 1958 (72 Stat. 800) (49 U.S.C. 1531 et seq.).

The Great Lakes Pilotage Act of 1960 (74 Stat. 259) (46 U.S.C. 216 et seq.).

The Merchant Marine Act, 1920 (41 Stat. 988), (46 U.S.C. 861 et seq.).

The Merchant Marine Act, 1928 (45 Stat. 689), (46 U.S.C. 891 et seq.).

The Merchant Marine Act, 1936 (49 Stat. 1985), (46 U.S.C. 1101 et seq.).

The Shipping Act, 1916 (39 Stat. 728) (46 U.S.C. 801 et seq.).

The Merchant Ship Sales Act of 1946 (60 Stat. 41) (50 App. U.S.C. 1735 et seq.).

The Maritime Academy Act of 1958 (72 Stat. 622) (46 U.S.C. 1381 et seq.).

The act of June 12, 1940 (54 Stat. 346) (46 U.S.C. 1331 et seq.).

The act of August 30, 1964 (78 Stat. 614) (46 U.S.C. 1401 et seq.).

The act of September 14, 1961 (75 Stat. 514) (46 U.S.C. 1126b-1).

The act of June 18, 1967 (71 Stat. 73) (46 U.S.C. 1177a).

The act of June 12, 1961 (65 Stat. 59) (46 U.S.C. 1241a).

The act of July 24, 1956 (70 Stat. 605) (46 U.S.C. 249 et seq.).

The act of August 9, 1954 (68 Stat. 675) (50 U.S.C. 196, et seq.).

Reorganization Plan No. 21 of 1950 (64 Stat. 1273) (5 U.S.C. 133z-15 nt and 46 U.S.C. 1111 nt).

Reorganization Plan No. 7 of 1949 (63 Stat. 1070) (5 U.S.C. 133z-15 nt).

The act of August 1, 1947 (61 Stat. 715) (5 U.S.C. 1161).

Section 6(d): Titles VI (72 Stat. 776) (49 U.S.C. 602(b)) and VII (72 Stat. 781) (49 U.S.C. 1441, et seq.) of the Federal Aviation Act of 1958.

Section 6(e):

The act of March 2, 1893 (27 Stat. 531) (45 U.S.C. 1, et seq.) as amended by the act of August 14, 1957 (71 Stat. 352) (45 U.S.C. 6, 13).

The act of March 2, 1903 (32 Stat. 943) (45 U.S.C. 8-10) as amended by the act of April 11, 1958 (72 Stat. 86) (45 U.S.C. 9), and the act of April 14, 1910 (36 Stat. 298) (45 U.S.C. 11-16), as amended by the act of August 14, 1957 (71 Stat. 352) (45 U.S.C. 6, 13).

The act of May 30, 1908 (35 Stat. 476) (45 U.S.C. 17-21).

The act of February 17, 1911 (36 Stat. 913) (45 U.S.C. 22-29).

The act of March 4, 1915 (38 Stat. 1192) (45 U.S.C. 30).

The act of June 26, 1918 (40 Stat. 616) (45 U.S.C. 24-26).

The act of June 7, 1924 (43 Stat. 659) (45 U.S.C. 22-27).

The act of June 27, 1930 (46 Stat. 822) (45 U.S.C. 24).

The act of April 22, 1940 (54 Stat. 148) (45 U.S.C. 24-34).

The act of May 27, 1947 (61 Stat. 120) (45 U.S.C. 24 nt, 26).

The act of June 25, 1948 (62 Stat. 909) (45 U.S.C. 34).

The act of October 28, 1949 (63 Stat. 972) (45 U.S.C. 24).

The act of August 14, 1957 (71 Stat. 352) (45 U.S.C. 34).

Reorganization Plan No. 3 of 1965 (79 Stat. 1320) (5 U.S.C. 133z-15 nt and 45 U.S.C. 22 nt).

The resolution of June 30, 1906 (34 Stat. 838) (45 U.S.C. 35).

The act of May 27, 1906 (35 Stat. 325) (45 U.S.C. 36-37).

The act of March 4, 1909 (35 Stat. 965) (45 U.S.C. 37).

The act of May 6, 1910 (36 Stat. 350) (45 U.S.C. 38-43).

The act of September 13, 1960 (74 Stat. 903) (45 U.S.C. 38).

The act of March 4, 1907 (34 Stat. 1415) (45 U.S.C. 61-64).

The act of May 4, 1916 (39 Stat. 61) (45 U.S.C. 63).

The act of June 25, 1948 (62 Stat. 909) (45 U.S.C. 34).

The act of August 14, 1957 (71 Stat. 352) (45 U.S.C. 63).

The act of February 23, 1905 (33 Stat. 743) (49 U.S.C. 1201-1203).

The act of June 13, 1957 (71 Stat. 69) (49 U.S.C. 1201-1203).

The act of March 19, 1918 (40 Stat. 450) (15 U.S.C. 261-265).

The act of March 4, 1921 (41 Stat. 1446) (15 U.S.C. 265).

The act of March 3, 1923 (42 Stat. 1434) (15 U.S.C. 264).

The act of June 24, 1946 (62 Stat. 646) (15 U.S.C. 264).

The following sections of the Interstate Commerce Act: 1(10) (49 U.S.C. 1(10)), 1(11) (49 U.S.C. 1(11)), 1(12) (49 U.S.C. 1(12)), 1(13) (49 U.S.C. 1(13)), 1(14) (a) (49 U.S.C. 1(14) (a)), 1(15) (49 U.S.C. 1(15)), 1(16) (49 U.S.C. 1(16)), 1(17) (49 U.S.C. 1(17)), 6(8) (49 U.S.C. 6(8)), 15(4) (49

U.S.C. 15(4)), 15(10) (49 U.S.C. 15(10)), 420 (49 U.S.C. 1020), 25 (49 U.S.C. 26), 222 (49 U.S.C. 325), 1(21) (49 U.S.C. 1(21)), 204(a) (1) and (2) (49 U.S.C. 304(a) (1) and (2)), 204(a) (3), (3a), and (5) (49 U.S.C. 304a) (3), (3a), and (5)), 1(6) (49 U.S.C. 1(6)), 206 (49 U.S.C. 306), 207 (49 U.S.C. 307), 209 (49 U.S.C. 309), 210a (49 U.S.C. 310a), 212 (49 U.S.C. 312), and 216 (49 U.S.C. 316).

Section 6(f):

Section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053) (33 U.S.C. 471).

The act of April 22, 1940 (54 Stat. 150) (33 U.S.C. 180, 258).

Section 5 of the act of August 18, 1894 (28 Stat. 362) (33 U.S.C. 499).

The act of June 21, 1940 (54 Stat. 497) (33 U.S.C. 511-524).

Section 4 of the act of March 23, 1906 (34 Stat. 85) (33 U.S.C. 494).

Section 503 of the General Bridge Act (60 Stat. 847) (33 U.S.C. 526).

Section 17 of the act of June 10, 1930 (46 Stat. 552) (33 U.S.C. 498a).

The act of June 27, 1930 (46 Stat. 821) (33 U.S.C. 498b).

The act of August 21, 1935 (49 Stat. 670) (33 U.S.C. 503-507).

The Oil Pollution Act, 1961 (75 Stat. 402) (33 U.S.C. 1001, et seq.).

Section 9 of the act of March 3, 1899 (30 Stat. 1151) (33 U.S.C. 401).

The act of March 23, 1906 (34 Stat. 84) (33 U.S.C. 491-498).

The General Bridge Act (60 Stat. 847) (33 U.S.C. 525-539).

Section 8(a): Section 406(b) of the Federal Aviation Act of 1958 (72 Stat. 763) (49 U.S.C. 1376(b)).

Section 8(b): Section 201 of the Appalachian Regional Development Act (79 Stat. 10) (40 App. U.S.C. 201).

Section 8(c): Section 206(c) of the Appalachian Regional Development Act (79 Stat. 15) (40 App. U.S.C. 206(c)).

Section 8(d): Sections 12 (49 U.S.C. 12), 13(1) (49 U.S.C. 13(1)), 13(2) (49 U.S.C. 13(2)), 20 (49 U.S.C. 20), 204(a) (49 U.S.C. 304(a)), 204(c) (49 U.S.C. 304(c)), 205(d) (49 U.S.C. 305(d)), 205(f) (49 U.S.C. 305(f)), 220 (49 U.S.C. 320), 222 (49 U.S.C. 322) of the Interstate Commerce Act.

Section 8(e): Section 212(a) of the Interstate Commerce Act (49 Stat. 555) (49 U.S.C. 312(a)).

Section 8(f): Section 13(b) of the Fair Labor Standards Act of 1938 (52 Stat. 1067) (29 U.S.C. 213(b)).

Section 8(g): Section 18(1) of the Interstate Commerce Act (27 Stat. 386) (49 U.S.C. 18(1)).

Section 8(h): Section 3 of the Federal Explosives Act (40 Stat. 385) (50 U.S.C. 123).

Section 9(b): Section 506 of the Classification Act of 1949 (63 Stat. 959) (5 U.S.C. 1105(b)).

Section 9(c): Section 15 of the Act of August 2, 1946 (60 Stat. 810) (5 U.S.C. 55a).

Section 10(c): Section 303 of the Federal Executive Salary Act of 1964 (78 Stat. 416) (5 U.S.C. 2211).

Section 10(e): Subsections (b) (7), (d) (2), and (e) (12), (13), (14), (76), (82), and (89) of section 303 of the Federal Executive Salary Act of 1964 (78 Stat. 416) (5 U.S.C. 2211).

Section 10(f): The Act of August 1, 1956 (70 Stat. 897) (46 U.S.C. 1241c).

Mr. McGEE. Mr. President, Americans are justly proud of the fact that we have the greatest transportation system in the world. But this happy situation results more from good luck than from careful and deliberate planning. It may not be so in the years ahead.

Railroads, canals, roads, river systems, ocean shipping, and aviation were de-

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veloped to meet the needs of a growing country.

During this process each form of transportation has received help and encouragement from the Government in one form or another. And each has experienced governmental regulation to restrain monopoly, on one hand, and to avoid destructive competition on the other.

Naturally, this evolutionary process has not resulted in a real system, in the real sense of the word. I think it would be more accurate to say that we have today a conglomeration of transport networks which, fortunately, have so far served us well.

However, it would indeed be foolhardy to assume that our transportation resources will automatically keep pace with the requirements of our burgeoning economy in the decades just ahead. The world has become far too complicated to allow us that luxury.

And so I welcome the initiative of President Johnson in sending to the Congress his proposals to create a Department of Transportation. These proposals indicate a knowledge of the fact that action will be necessary soon to provide for a vital and versatile transportation network to serve a rapidly growing economy and the national defense.

I am sure there will be no easy answers in this search for rational, coordinated, and clearly defined national policies, but the President's plan provides us with a concrete starting point.

Just as the problems are complex so will the solutions be complex and will require a great deal of study and investigation before this concept can be put in final form. I am in complete support of the President's determination to begin this process at once.

Mr. PELL. Mr. President, I congratulate President Johnson on his call for a new Department of Transportation. It is a bold and much needed step and one in which I strongly support him.

We are a nation on the move. Indeed, we have become great largely because of a great transportation system.

There are, however, as the Washington Star noted recently, "too many cooks" in the system.

Transportation regulation and policy formulation is divided among 35 Government agencies, and as President Johnson has said, this makes it difficult to serve the Nation, the needs of the industry, or the right of the taxpayer.

I have been made acutely aware of the problems which this diversity of Federal responsibility can create, through my own concern with transportation matters in the Northeast States, particularly with regard to the New Haven Railroad.

The New Haven is, in fact, a classic example of the frustrations and confusion which can result from uncoordinated public policies. The railroad is, in the first place, under the general supervision of a Federal court because it is in receivership. Next, because of its precarious position, it has petitioned an independent Federal agency, the Interstate Commerce Commission, to allow discon-

tinuance of all its passenger service, on the one hand, and to require inclusion of the line in the Penn-Central merger, on the other.

Concurrently, however, two other Federal agencies are participating in programs of either temporary assistance or experimentation which could lead to future rejuvenation. The Housing and Home Finance Agency has made a substantial demonstration grant to assist the New York commuter service, and more recently the Commerce Department has launched an experimental program, with which I am happy to be associated, to test new high-speed equipment on the northern end of the line to determine if the railroad can recapture some of its intercity passenger traffic.

Meanwhile, the parallel competing transportation services—by highway, air, and water—which contributed so notably to the New Haven's decline, continue to be heavily supported by the programs of the Bureau of Public Roads, the Federal Aviation Agency, and the Maritime Administration.

It is high time, I believe, that these diverse and often competing agencies be brought together under one roof and under one coherent and unified framework of responsible policy formulation which will have as its paramount objective the provision of a rational and balanced transportation system to serve the public interest.

We have an excellent example, I believe, of the kind of coherent policy formulation we need in the High Speed Ground Transportation Act of 1965, with which I am proud to claim a paternal relationship. Under this program we are attempting to determine first if the public will respond to rejuvenated rail service and thus relieve overburdened air and highway facilities and, secondly, to determine over the long range if even more efficient modes of ground transportation can be devised for short and intermediate distances and thereby alleviate the almost inevitable congestion which will occur without such developments.

It will take coordinated policy formulation to make effective use of the findings of this excellent program, however, and such coordination can only come from the structural amalgamation of Federal agencies along the lines the President proposes.

Finally, Mr. President, I think it is noteworthy that the press has responded favorably to the President's proposal as first set forth in his state of the Union message. I ask unanimous consent to insert in the Record at this time editorials from the Providence Evening Bulletin, Christian Science Monitor, Washington Evening Star, and the Washington Post.

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

[From the Providence (R.I.) Evening Bulletin, Jan. 16, 1966]

MR. JOHNSON HAS A SOUND IDEA

There is merit in President Johnson's proposal to establish a Department of Transportation at the Cabinet level.

As the President pointed out in his state of the Union message, transportation activities of the Federal Government presently are scattered among 35 separate agencies. This scattering, the President declared, "makes it impossible to serve either the demands of the Nation, the needs of industry, or the right of the taxpayer to full efficiency and frugality."

Senator PELL warmly endorsing the President's suggestion, has cited a specific example of the existing confusion in which various Federal agencies appear to be tripping over one another's feet.

"While the (New Haven) railroad is petitioning the ICC to drop all passenger service," Senator PELL observed, "two other Federal agencies, the Department of Commerce and the Department of Housing and Urban Affairs, are trying to devise ways through two separate experiments to keep the service alive. Meanwhile, highway development and air service, which weigh so strongly in any plans for railroad rejuvenation continue their separate courses under the Bureau of Public Roads and the Federal Aviation Agency."

The example cited by Senator PELL is not at all unusual. Innumerable similar examples could be cited in which the lack of coordination among the various Federal agencies often makes for confusion and wasted effort. It simply doesn't make sense any more to have one agency establishing policy for the airlines, another for the railroads, still another for the merchant marine, and yet another for the road network that is used by buses and trucks.

The only sensible approach is to consider our transportation network as an integrated whole. Our railroads, airlines, buses, trucks, ships and private cars all fit into our national transportation picture. Each element has a role to play, but each of the elements must be integrated smoothly with all the others.

One way to achieve that integration would be by placing all the Federal agencies that deal with transportation into a single department.

[From the Christian Science Monitor, Jan. 18, 1966]

TO UNCLOG THE JAMS

Even before the New York transit strike, we had seen a piquantly amusing and prophetic short cartoon at the movies. It was either British or Canadian. But that is not the point. It showed what might eventually happen to our cities if automobiles continued to pile up in our streets just as the lava and the pumice piled up nearly two millennia ago in the streets of Pompeii and Herculaneum. The fact is that just such a throttling and choking threaten already all the industrialized societies of the Western world.

We may not like centralized planning, but there seems little alternative to a coordinated handling of all transport facilities and services, if our modern societies are not to be brought to a standstill by a surfeit of cars and a dearth of nearly everything else. When Nikita Khrushchev was in Washington several years ago, he saw from a helicopter some of that city's rush-hour traffic jams. Reportedly he said he would never allow that kind of nonsense in the Soviet Union. He simply would not let everybody buy a car. But amazingly now, it seems that all the doctrinaire direction of the Soviet system has not been able to prevent parking becoming a major problem in Moscow.

In a word, transportation has become one of the social problems of our time.

President Johnson referred to it in his state of the Union message. "A new Department of Transportation is needed," he said,

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"to bring together our transportation activities. The present structure—35 Government agencies spending \$5 billion yearly—makes it impossible to serve either the demands of the Nation—the needs of industry—or the right of the taxpayer to full efficiency and frugality."

Britain, where transport problems are less gigantic but more concentrated than in the industrialized parts of the United States, has long had a Ministry of Transport. The British public have tended to identify it with roads—and Prime Minister Harold Wilson's recent appointment as Minister of Transport of a woman who does not have a driving license has produced snorts and guffaws from some Britons (particularly male drivers). But the putting of Mrs. Barbara Castle—for she is the lady in question—in the top job at the Ministry of Transport bespeaks recognition of the need for drive and reorganization and, above all, the British Government's determination to draw up an integrated transport plan for the United Kingdom.

Mrs. Castle was an undoubted success in the apparently not very glamorous or exciting Ministry of Overseas Development where Prime Minister Wilson appointed her after the 1964 general election. His decision to put her in charge of transport is—as the Economist said—imaginative. It stems from the same basic need as prompted President Johnson's announcement of a new Department of Transportation in the United States. All of us have a vested interest in the success of both moves, for all of us have a greater urge and opportunity than ever to get about—whether it be simply getting to work from the suburbs or more ambitiously getting away on vacation.

[From the Washington (D.C.) Evening Star, Jan. 26, 1966]

TOO MANY COOKS

President Johnson in his state of the Union message put his finger on one of the major flaws in American transportation policy. Regulation is now divided among no less than 35 Government agencies, spending a total of \$5 billion yearly.

Such a fragmented approach, in the President's words, "makes it almost impossible to serve either the growing demands of this great Nation, or the needs of the industry, or the right of the taxpayer to full efficiency and real frugality."

Mr. Johnson's remedy would be to centralize all this supervision of airlines, railroads, trucking, and shipping in a new Department of Transportation. While Congress must await details of how this would be accomplished, the basic idea seems so logical and simple that the puzzle is why it was not done long ago.

Actually, the notion of such a Cabinet-level department has been kicking around Washington for years, but mutual suspicion and hostility among the powerful lobbies representing the various carriers and the struggles by bureaucrats to keep control over their little fiefdoms have successfully stalled action.

The result is a patchwork approach to the industry. Some modes of transportation must build their own depots while others use buildings erected at taxpayers' expense. Some carriers pay tax on fuel, others do not. Uncle Sam contributes to the cost of safety devices for one industry, while another receives no such benefit. And so it goes.

Putting all the regulators in one department will not automatically produce a rational, fair, and harmonious policy toward each segment of the industry. But it is the first step that must be taken to achieve such a reform. The public interest requires no less.

[From the Washington (D.C.) Post, Jan. 19, 1966]

TRANSPORTATION AND MORE

The President's proposal to establish a Department of Transportation, a single agency that would coordinate the diverse programs and functions of the Federal Government, deserves the widest support. In fact, a good case can be made for broadening the scope of the new department to include communications and power.

There are obvious and compelling reasons for placing the Federal transportation agencies under one roof. The Federal Government is now spending some \$6 billion a year for motor highway construction, the subsidization of the merchant marine, inland waterway and harbor improvement and the regulation of railroads, airlines, and common motor carriers. But those dollars cannot be spent effectively, they cannot confer maximum benefits upon the taxpayers unless national goals are clearly specified and pursued through coordinated efforts. Neither logic nor necessity has decreed that the Federal highway and waterways programs must work to the detriment of the Nation's railroads as they do now.

But a perfunctory coordination of transportation activities, one that merely results in shifting autonomous agencies under one big, bureaucratic tent will accomplish nothing more than an increase in Federal employment. To cite a specific example, the new department is not going to be effective so long as the Interstate Commerce Commission, that sclerotic archetype of the independent regulatory agency, continues to establish minimum, not maximum rates and approve rail mergers without sufficient attention to the balance and efficiency of the total transportation system. The effective coordination of Federal transportation programs, to say the very least, will involve a political struggle.

But that struggle, which will be centered largely around the conflicting interest of different modes of transportation, is not likely to be protracted if the new department were to encompass communications and the transmission of power. The inclusion of the Federal Communications and Federal Power Commissions in a new Department of Transportation, Communications, and Power would make it possible for the Government to regulate virtually all the interstate public utilities in a uniform and equitable manner.

The inability of both the Kennedy and Johnson administrations to make headway in the effort to alter railroad rate regulation is but a foretaste of the opposition to the formation of a new department.

TAX ADJUSTMENT ACT OF 1966

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Chair lays before the Senate H.R. 12752, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12752) to provide for graduated withholding of income tax from wages, to require declarations of estimated tax with respect to self-employment income, to accelerate current payments of estimated income tax by corporations, to postpone certain excise tax rate reductions, and for other purposes.

THE VICE PRESIDENT'S INFORMAL MEETING WITH THE COMMITTEE ON FOREIGN RELATIONS

Mr. MORSE. Mr. President, I have before me a most interesting article that

appeared in this morning's Washington Post. The headline is "HUMPHREY Agrees To See FULBRIGHT Panel Privately."

The article states:

Vice President HUMPHREY agreed yesterday to a compromise plan to meet with the Senate Foreign Relations Committee in private, informal session.

For the past 2 weeks HUMPHREY has rejected Chairman J. WILLIAM FULBRIGHT's request that he meet with the committee in a more formal public session.

Under the compromise plan, HUMPHREY will meet with the committee this afternoon on the neutral ground of Majority Leader MIKE MANSFIELD's Capitol office.

FULBRIGHT's disagreement with another high administration official—President Johnson—continued to simmer yesterday.

The President refused to make public the testimony he gave to the Senate Foreign Relations Committee on May 25, 1961, after he returned from an Asian tour which he made as Vice President. On Monday FULBRIGHT suggested that the President make the testimony public.

At a press conference yesterday, Presidential Press Secretary BILL MOYERS said that Mr. Johnson had appeared before the 1961 committee meeting with the understanding that it "would be informal and private." MOYERS said that the President "doesn't regard it as appropriate to change the rules 5 years later" by making public his testimony.

In another development, FULBRIGHT disclosed that the committee would resume public hearings on U.S. Asian policy next Tuesday.

The new hearings will center on Communist China. The first witnesses will be two university experts on China—A. Doak Barnett of Columbia University on Tuesday and Harvard's John K. Fairbank on Thursday.

My reaction to the story is: How absurd can we be?

I am a member of the Committee on Foreign Relations, and this morning I protested any informal meeting with the Vice President on neutral grounds in the majority leader's office this afternoon.

I do not care how many Senators, be they members of the Committee on Foreign Relations or not, want to meet with the Vice President any time they want to meet with him. However, as a member of the Committee on Foreign Relations, I do object and said so this morning, to this kind of fol-de-rol, to this kind of nonsense.

Mr. President, no one has defended more than I have—and I shall continue to do so—the matter of separation of powers and the right of executive privilege.

The Vice President of the United States does not have to come to any committee meeting that he does not wish to attend. He is completely protected by executive privilege. He can volunteer to come. It has happened in the past.

But, Mr. President, I am at a loss to understand this parliamentary nonsense. I should have thought that the Vice President, on his own initiative, would have asked for the opportunity to appear before the Foreign Relations Committee in open session, to discuss with the committee the trip into Asia that he took at the request of the President of the United States. That would have been a most appropriate forum in which to discuss it.

There are other forums, and the Vice President is using them, as he has a perfect right to do, and I am glad he is using them. He used the forum of the East Room of the White House the other morning. In fact, I think he used it on a couple of mornings, to meet with various Members of Congress. That is fine; I heartily approve of it.

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He has announced that he is going to use forums across the country to discuss his trip with the American people. I highly approve of that. He has used the forum of nationwide television and I approve of that.

The Foreign Relations Committee has certain special responsibilities in the field of foreign policy. It has certain special prerogatives in that field, and has a responsibility to officially seek to take testimony from those who, in the opinion of the committee, are particularly qualified and competent to be of assistance to the committee by giving them their testimony.

The committee chairman, the Senator from Arkansas [Mr. FULBRIGHT] was seeking to carry out that responsibility when he most respectfully suggested, the other day, that the Vice President meet with the Foreign Relations Committee in open, public session and discuss with the committee the trip that he had taken, and the many foreign relations problems that were raised by that trip.

When it became clear that the Vice President would not wish to meet with the Foreign Relations Committee in open session, the chairman of the committee most respectfully and properly suggested that he meet in executive session with the committee. When that was first suggested in our committee, I made it clear that it should be at the voluntary discretion of the Vice President, that we could not insist that he meet with us, but that we had the right to invite him to an executive meeting.

When the Vice President indicated, as I understand he did, that he did not care to meet the committee in public session or executive session, the matter should have been dropped. I do not think that it is fair, either to the committee or to the Vice President, to become involved in this hybrid arrangement, which is neither fish nor fowl.

Therefore, Mr. President, I made clear at the meeting this morning that I would not attend the session this afternoon, because I do not think that that session is in keeping with the separation of powers doctrine as far as a Senate committee is concerned, unless they were simply meeting as individual Senators, without any representation that it is a committee meeting. As far as I am concerned, there is no official Foreign Relations Committee meeting with the Vice President, and there cannot be, under the terms set forth in this press report.

There are some questions that the American people are entitled to have answered by the Vice President, but they are entitled to have them answered, in open session, where he can be asked on the record questions about problems that are raised, for example, by a story that appeared in the Washington Daily News of February 25, by Walt Friedenberg, entitled "South Korea Drove a Bargain With H.H.H."—meaning the Vice President.

CONGRESSIONAL RECORD — SENATE

4701

The article reads:

SEOUL, February 24.—Vice President HUMPHREY ended his 2-week, 9-nation tour here with a bargaining session on terms for sending more South Korean troops to help fight in Vietnam.

The terms were not made public. It is agreed, however, that this country will send one more regiment to South Vietnam by the end of April and a full infantry division by mid-July.

The present ROK troop total of 23,000 would thus rise to about 40,000.

Seoul argued that its present contingent in Vietnam was a reasonable contribution. But if more troops were to be sent, South Korea must look to its national interests, that is, be compensated.

So far as can be learned now, South Korea has been promised:

The gradual, selected reequipping (chiefly in heavy weapons) of its 500,000-man army.

Assurance that \$150 million in earmarked economic aid promptly will be forthcoming.

A stipend of about \$2 a day paid for each Korean soldier in Vietnam for better living conditions.

The continued flow of Korean civilian technicians to good-paying construction jobs in South Vietnam.

A greater share for Korea in the procurement of cement, of military uniforms, and other goods needed by South Vietnam.

An interesting story. I do not know what the facts are. But I do know, Mr. President, the American people are entitled to know what the facts are.

I ask unanimous consent that the two articles from which I have quoted, the one from today's issue of the Washington Post entitled "HUMPHREY Agrees To See FULBRIGHT Panel Privately," and the one from yesterday's Washington Daily News entitled "South Korea Drove a Bargain With H.H.H.," be printed in the Record at this point.

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

[From the Washington (D.C.) Post, Mar. 1, 1966]

HUMPHREY AGREES TO SEE FULBRIGHT PANEL PRIVATELY

Vice President HUMPHREY agreed yesterday to a compromise plan to meet with the Senate Foreign Relations Committee in private, informal session.

For the past 2 weeks HUMPHREY has rejected Chairman J. WILLIAM FULBRIGHT's request that he meet with the committee in a more formal public session.

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The new hearings will center on Communist China. The first witnesses will be two university experts on China—A. Doak Barnett of Columbia University on Tuesday and Harvard's John K. Fairbank on Thursday.

[From the Washington (D.C.) Daily News, Feb. 24, 1966]

MORE AID IN VIETNAM FOR MORE AID: SOUTH KOREA DROVE A BARGAIN WITH H.H.H.

(By Walt Friedenberg)

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The continued flow of Korean civilian technicians to good-paying construction jobs in South Vietnam.

A greater share for Korea in the procurement of cement, of military uniforms, and other goods needed by South Vietnam.

Mr. MORSE. I do know, Mr. President, that in a democracy, if it is to be preserved, the executive branch of Government must be stopped, whether it involves the President or the Vice President or both, from engaging in government by executive supremacy. If the Daily News story I have read is true, this is dangerous stuff.

If it is true, it is important that we proceed without delay to check the increasing exercise of arbitrary, capricious power on the part of the President and the Vice President of the United States in the field of foreign policy.

By our failure to demand a public accounting, we will entrench government not by law but by a man. I know of no man, including the President of the United States, who should be given such unchecked arbitrary power.

Thus, Mr. President, I do not intend to participate in any conference—which is going on as I speak now—in the name of the Committee on Foreign Relations. In my judgment, if members of the Committee on Foreign Relations, as individual Senators, wish to meet with the Vice President of the United States, then they should do it in their individual capacities as Senators. They should not go into any such off-the-record informal meeting in the name of the Foreign Relations Committee, because when a Foreign Relations Committee meeting is held, it should be held as an official meeting, in accordance with the rules and policies of the committee.

Mr. President, it saddens me to make these comments about the Vice President, but I mean every word.