

TO AMEND SECTION 318 OF COMMUNICATIONS ACT OF  
1934 (OPERATORS' LICENSES)

FEBRUARY 22, 1937.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. COLE of Maryland, from the Committee on Interstate and Foreign  
Commerce, submitted the following

REPORT

[To accompany H. R. 3898]

The Committee on Interstate and Foreign Commerce, to whom  
was referred the bill (H. R. 3898) to amend section 318 of the Com-  
munications Act of 1934 having considered and amended the same,  
report thereon with a recommendation that it pass.

Amend the bill as follows:

Page 1, line 12, before the word "may" insert "if it shall find that  
the public interest, convenience or necessity will be served thereby."

Page 2, line 6, after the word "Kilocycles", strike out the quotation  
marks (""), change the period (.) to a colon (:), and insert a proviso  
reading as follows:

Provided, further, That the Commission shall have power to make special  
regulations governing the granting of licenses for the use of automatic radio  
devices and for the operation of such devices."

The bill has the approval of the Federal Communications Com-  
mission, as will appear by the letters attached:

FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C., February 10, 1937.

Hon. CLARENCE F. LEA,  
Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In reply to your letter of January 29 requesting  
the Commission's comments on H. R. 3898, I am pleased to inform you that  
the Commission approves the bill and recommends its passage.

Section 318 of the Communications Act of 1934 (old sec. 20 of the Radio Act),  
which is identical with lines 5 to 11, page 1, of H. R. 3898 (to and including the  
word Commission), requires that the actual operation of all transmitting apparatus  
in any radio station for which a station license is required by the Communications  
Act of 1934, shall be carried on only by a person holding an operator's license  
issued under the provisions of that act; and further, that no person shall operate  
any such apparatus in such station except under and in accordance with an  
operator's license issued to him by the Commission.

The proviso beginning on line 11, page 1, of H. R. 3898 is new. It distinguishes  
between the classes of stations for which licensed operators are required. In  
particular, this amendment will permit experimentation, in the classes of stations

not covered by the exceptions, to determine the practical results of actual operation by means of mechanical devices, and to determine the extent to which such mechanical operation may be permitted consistently with the purposes of the Communications Act. It will also contribute to the furtherance of fundamental research in radio. It is believed that this type of study, experimentation, and development is one in which discretion would be properly reposed in this Commission within the limits suggested. The amendment is considered an administrative provision and an aid in increasing the usefulness of radio in the public interest.

The Commission is not aware of any opposition to H. R. 3898.

Very truly yours,

ANNING S. PRALL, *Chairman.*

FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C., February 16, 1937.

HON. CLARENCE F. LEA,  
*Chairman, Committee on Interstate and Foreign Commerce,*  
*House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: In further reply to your letter of February 12, 1937, enclosing two proposed amendments to H. R. 3898, I have pleasure in informing you that the Commission has no objection to the proposed amendments.

Very truly yours,

IRVIN STEWART, *Acting Chairman.*

FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C., February 19, 1937.

HON. WM. P. COLE, JR.,  
*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN COLE: In respect to your request by telephone for a statement of the considerations which the Commission had in mind in proposing an amendment to section 318 of the Communications Act of 1934, which amendment is embodied in H. R. 5898 in the form in which it was originally introduced at this session, I beg to report as follows:

This amendment is designed to give the Commission discretion in certain instances to relax the absolute requirement of section 318, that all transmitting apparatus at all times of operation must be under the control of a licensed operator.

The need for such discretion was brought to the attention of the Commission forcibly by an application of the Cruft Laboratory, Harvard University. A general experimental station had been licensed to that institution for several years for the purpose of making continuous observations of the ionosphere. The value of this research depended on continuous operation of the station. The results of the operation were recorded automatically. There was no function which an operator could have performed in this connection other than to keep the station upon its proper frequency. The Cruft Laboratory, in consultation with the Engineering Department of the Commission, worked out an automatic device capable of preventing improper operation of the station. The licensee felt that it could not afford to keep an operator on duty throughout continuous operation and regarded such a requirement as unreasonable in view of the fact that no useful function could be performed by the operator. However, the absolute requirement of section 318 prohibited such operation. Consequently, this important piece of research had to be discontinued. This is but one of a number of instances in which the actual operation of a station by a licensed operator is impractical and unnecessary from an engineering viewpoint. Useful scientific research is inhibited by the present rigid requirement of section 318. Free balloons containing small automatic transmitters are useful in obtaining reports and in recording atmospheric conditions at great altitudes.

The use of automatic transmitters on police cars controlled by a central operator would be of value in this important field of emergency service. It would obviate the existing necessity of requiring that police driving such cars be also licensed operators. Since these stations operate only on the ultra-high frequencies, there is little danger of interference from such operation.

The development of radio to promote the safety of life and property in the air is also handicapped. Without such a requirement radio beacons could be operated automatically at remote points where the attendance of an operator would be impractical both from a physical and a financial standpoint.

It is important to remember that control by the Commission over a station is not lost because it is automatically operated. The control over the license of the licensee remains to insure proper operation.

It should be noted that the amendment suggested by the Commission excluded four classes of stations from the field of discretion of the Commission. These exceptions were carefully designed to avoid conflict with international agreements, to preserve safety and to exclude stations operating with great power or on frequencies where considerable interference might be expected. It may be that the bill as amended before being reported out of committee confers somewhat greater discretion upon the Commission. However, the Commission believes that it can, in the exercise of its discretion, avoid any relaxation of the operator requirements where such relaxation would not be in the public interest.

Sincerely yours,

IRVIN STEWART, *Commissioner.*

This bill was favorably reported by the committee during the last session of the Seventy-fourth Congress, as will appear by House Report No. 2725, Seventy-fourth Congress, second session, but time would not permit of bringing it up on the floor of the House.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 3a of rule XIII of the Rules of the House of Representatives, changes in the Communications Act of 1934 made by the bill are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman.

#### OPERATION OF TRANSMITTING APPARATUS

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued ~~thereunder~~ *no person shall operate any such apparatus in such station, except under and in accordance with an operator's license issued to him by the Commission: Provided, however, That the Commission if it shall find that the public interest, convenience or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: Provided, further, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.*