

Calendar No. 1344

76TH CONGRESS }
3d Session }

SENATE

{ REPORT
{ No. 1298

AMEND SECTION 602 (E) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, RELATING TO A STUDY OF RADIO REQUIREMENTS FOR SHIPS NAVIGATING THE GREAT LAKES AND INLAND WA- TERS OF THE UNITED STATES

MARCH 8 (legislative day, MARCH 4), 1940.—Ordered to be printed

Mr. WHEELER, from the Committee on Interstate Commerce,
submitted the following

R E P O R T

[To accompany H. R. 7863]

The Committee on Interstate Commerce, to whom was referred the bill (H. R. 7863) to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

House Report No. 1536 discusses the legislation fully, and is herewith made a part of this Senate report, as follows:

Under date of December 27, 1939, the Chairman of the Federal Communications Commission wrote to the Speaker of the House of Representatives a letter, copy of which is attached to this report, advising that there had not been sufficient time for the Commission to study and report to the Congress not later than December 31, 1939, its recommendations and reasons therefor on the subject of the special study made by the Commission of radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States.

Pursuant to the provisions of section 602 (e) of the Communications Act of 1934 (added by Public, No. 97, 75th Cong., approved and effective May 20, 1937), the Commission has been engaged in a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States. This subsection requests and directs the Commission to make this study and report its recommendations and reasons therefor to the Congress not later than December 31, 1939.

It appears from the said letter and also from hearings before your committee that, under the authority of section 5 (e) of the statute, this matter was referred to Commissioner Thad H. Brown for the taking of testimony and the preparation of tentative recommendations for the consideration of the Commission. Only a small technical staff was available for the purposes of this study, and it was found necessary to take the testimony of a large number of witnesses, involving 3,167 pages of record, the analysis of which, together with the examination and evaluation of 341 technical exhibits, required an extended period of time. The report

of Commissioner Brown, comprising 621 pages with attachments, was submitted to the Commission on December 31, 1939, and there had not been sufficient time for the careful study by the Commission of this subject which its importance warrants.

The Commission reported that in its opinion further time would be necessary to enable it adequately to study the report and arrive at a final decision thereon. The Commission advised that it would undertake to place its final report in the hands of Congress not later than April 15, 1940. Your committee knew of the importance of the study, volume of material to be studied and analyzed, and the need for an accurate, well-reasoned report. It was very evident that if the report should come in by April 15, 1940, there would be no time for legislation, if any might be needed. Your committee concluded that the report was too important to be rushed, and that in the long run, legislation, if any should be needed, would be expedited by granting more time. There will be no need for additional funds to complete the investigation, and your committee was assured that if this bill is passed, there will not be involved any request for further funds and the investigation and report can be completed with the regular staff of the Commission. The witnesses recognize the obligation to make the report as soon as the Commission could, and recognized the duty of making their report available to all who might be interested in any hearings the committee might hold. It was recognized as the duty of the Commission to make its report public as soon as available. The matter is complex, involving great details to be reviewed. There is no urgency. There was apprehension that the report could not be ready by April 15, as suggested in the letter, and that the extended time might result in a more satisfactory report. Your committee believe the extension provided in the accompanying bill desirable and recommend that the bill do pass.

The letter above referred to follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., December 27, 1939.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: Pursuant to the provisions of section 602 (e) of the Communications Act of 1934 (added by Public, No. 97, 75th Cong., approved and effective May 20, 1937), the Commission has been engaged in a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States. This subsection requests and directs the Commission to make this study and report its recommendations and the reasons therefor to the Congress not later than December 31, 1939.

Under the authority of section 5 (e) of the statute, this matter was referred to Commissioner Thad H. Brown for the taking of testimony and the preparation of tentative recommendations for the consideration of the Commission. Only a small technical staff was available for the purposes of this study, and it was found necessary to take the testimony of a large number of witnesses involving 3,167 pages of record, the analysis of which, together with the examination and evaluation of 341 technical exhibits, required an extended period of time. The report of Commissioner Brown, comprising 621 pages with attachments was submitted to the Commission on December 15, 1939, and there has not been sufficient time for the careful study by the Commission of this subject which its importance warrants.

The Commission respectfully reports that in its opinion further time will be necessary to enable it adequately to study the proposed report and to arrive at a final decision thereon. The Commission will undertake to place its final report in the hands of the Congress not later than April 15, 1940.

Respectfully,

JAMES LAWRENCE FLY, *Chairman.*

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in subsection (e) of section 602 of the Communications Act of 1934, as amended, made by the bill (H. R. 7863) 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):

"(e) Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed. In all other respects said Act shall continue in full force

and effect. The Commission is requested and directed to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations, and the reasons therefor, to the Congress [not later than December 31, 1939.] *as soon as practicable, but not later than January 1, 1941.*"

The chairman of the Senate committee has received the following letter from the Chairman of the Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., March 6, 1940.

HON. BURTON K. WHEELER

*Chairman, Committee on Interstate Commerce
United States Senate, Washington, D. C.*

MY DEAR CHAIRMAN WHEELER: This will reply to your letter of February 29, 1940, requesting the comments of this Commission on H. R. 7863, a bill to amend section 602 (e) of the Communications Act of 1934, as amended, to extend the time for report to Congress with respect to radio requirements for ships navigating the Great Lakes and inland waters of the United States.

On December 27, 1939, the Commission transmitted to the President of the United States Senate a letter, a copy of which is enclosed, stating that the study contemplated by section 602 (e) of the Communications Act had not been completed. Subsequently, Chairman Bland of the Committee on Merchant Marine and Fisheries of the House of Representatives introduced H. R. 7863 which has as its object extending the time within which the Commission's report, as a result of such study, shall be transmitted to Congress.

The Commission has no objection to the enactment of this legislation and believes that the extension of the time for filing the report, as provided in the House bill, is justified by the difficulty and importance of the project.

The Bureau of the Budget has advised that there would be no objection to the submission of the foregoing report, favorable to the enactment of the proposed legislation, to your committee.

Sincerely yours,

JAMES LAWRENCE FLY, *Chairman.*

