

# Union Calendar No. 559

82D CONGRESS  
2D SESSION

## S. 658

[Report No. 1750]

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1951

Referred to the Committee on Interstate and Foreign Commerce

APRIL 8, 1952

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## AN ACT

To further amend the Communications Act of 1934.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That ~~this Act may be cited as "Communications Act Amend-~~  
4       ~~ments, 1951"~~.

5       SEC. 2. Subsection ~~(o)~~ of section 3 of the Communica-  
6       tions Act of 1934, as amended, is amended to read as  
7       follows:

8       "~~(o)~~ 'Broadcasting' means the dissemination of radio  
9       communications intended to be received directly by the gen-  
10      eral public."

11      SEC. 3. Section 3 of such Act is further amended by  
12      adding after subsection ~~(aa)~~ the following:

1       “(bb) The term ‘license’, ‘station license’, or ‘radio  
2 station license’ means that instrument of authorization re-  
3 quired by this Act or the rules and regulations of the Com-  
4 missioner made pursuant to this Act, for the use or operation  
5 of apparatus for transmission of energy, or communications,  
6 or signals by radio, by whatever name the instrument  
7 may be designated by the Commission.

8       “(cc) The term ‘broadcast station’, ‘broadcasting sta-  
9 tion’, or ‘radio broadcast station’ means a radio station  
10 equipped to engage in broadcasting as herein defined.

11       “(dd) The term ‘construction permit’ or ‘permit for  
12 construction’ means that instrument of authorization re-  
13 quired by this Act or the rules and regulations of the  
14 Commission made pursuant to this Act for the installa-  
15 tion of apparatus for the transmission of energy, or com-  
16 munications, or signals by radio, by whatever name the  
17 instrument may be designated by the Commission.

18       SEC. 4. (a) Subsection (b) of section 4 of such Act,  
19 as amended, is amended by striking out the last two sen-  
20 tences thereof and inserting in lieu thereof the following:  
21 “Such Commissioners shall not engage in any other busi-  
22 ness, vocation, profession, or employment but this shall not  
23 apply to the preparation of technical or professional pub-  
24 lications for which reasonable honorarium or compensation  
25 may be paid. Any such Commissioner serving as such

1 after one year from the date of enactment of the Commu-  
2 nications Act amendments, 1951, shall not for a period  
3 of one year following the termination of his services as  
4 a Commissioner represent before the Commission in a pro-  
5 fessional capacity any person, including all persons under  
6 common control, subject to the provisions of this Act,  
7 except that this restriction shall not apply to any Commis-  
8 sioner who has served the full term for which he was ap-  
9 pointed. Not more than four members of the Commission  
10 shall be members of the same political party."

11 ~~(b)~~ Subsection ~~(f)~~ (1) of section 4 of such Act is  
12 amended to read as follows:

13 "~~(f)~~ (1) Without regard to the civil-service laws or  
14 the Classification Act of 1949, as amended, ~~(1)~~ the Com-  
15 mission may appoint and prescribe the duties and fix the  
16 salaries of a secretary, a chief engineer and not more than  
17 two assistants, a chief accountant and not more than two  
18 assistants, a general counsel and not more than two assistants,  
19 and counsel temporarily employed and designated by the  
20 Commission for the performance of specific special services;  
21 and ~~(2)~~ each Commissioner may appoint and prescribe the  
22 duties of a legal assistant at an annual salary to be fixed  
23 by the Commissioner but not to exceed \$10,000 and a  
24 secretary at an annual salary not to exceed \$5,600. The  
25 chief engineer, the chief accountant, and the general coun-

1 sel shall each receive an annual salary of not to exceed  
2 \$11,200; the secretary shall receive an annual salary of  
3 not to exceed \$10,000, and no assistant shall receive an  
4 annual salary in excess of \$10,000: *Provided*, That on  
5 and after one year from the date of enactment of Com-  
6 munications Act Amendments, 1951, the secretary of the  
7 Commission, the chief engineer and his assistants, the chief  
8 accountant and his assistants, the general counsel and his  
9 assistants, the chief of each integrated division and his as-  
10 sistant, and the legal assistants to each Commissioner  
11 shall not, for the period of one year next following the  
12 cessation of their employment with the Commission, represent  
13 before the Commission in a professional capacity any person,  
14 including all persons under common control, subject to the  
15 provisions of this Act. The Commission shall have authority,  
16 subject to the provisions of the civil service laws and the  
17 Classification Act of 1949, as amended, to appoint such other  
18 officers, engineers, accountants, attorneys, inspectors, ex-  
19 aminers, and other employees as are necessary in the execu-  
20 tion of its functions."

21        ~~(e)~~ The first sentence of subsection ~~(g)~~ of section 4  
22 of such Act, as amended, is amended to read as follows:

23        ~~“(g)~~ The Commission may make such expenditures  
24 ~~(including expenditures for rent and personal services at~~  
25 the seat of government and elsewhere, for office supplies,

1 law books, periodicals, and books of reference, for printing  
2 and binding, for land for use as sites for radio monitoring  
3 stations and related facilities, including living quarters where  
4 necessary in remote areas, for the construction of such sta-  
5 tions and facilities, and for the improvement, furnishing,  
6 equipping, and repairing of such stations and facilities and  
7 of laboratories and other related facilities (including con-  
8 struction of minor subsidiary buildings and structures not  
9 exceeding \$25,000 in any one instance) used in connection  
10 with technical research activities), as may be necessary for  
11 the execution of the functions vested in the Commission and  
12 as from time to time may be appropriated for by Congress."

13 ~~(d)~~ Subsection ~~(k)~~ of section 4 of such Act is amended  
14 to read as follows:

15 "~~(k)~~ The Commission shall make an annual report to  
16 Congress, copies of which shall be distributed as are other  
17 reports transmitted to Congress. Such reports shall  
18 contain—

19 "~~(1)~~ such information and data collected by the  
20 Commission as may be considered of value in the deter-  
21 mination of questions connected with the regulation of  
22 interstate and foreign wire and radio communication  
23 and radio transmission of energy.

24 "~~(2)~~ such information and data concerning the  
25 functioning of the Commission as will be of value to

1 Congress in appraising the amount and character of the  
2 work and accomplishments of the Commission and the  
3 adequacy of its staff and equipment: *Provided*, That the  
4 first and second annual reports following the date of en-  
5 actment of Communications Act Amendments, 1951,  
6 shall set forth in detail the number and caption of pend-  
7 ing applications requesting approval of transfer of control  
8 or assignment of a station license, or construction per-  
9 mits for new stations, or for increases in power, or for  
10 changes of frequency of existing stations at the begin-  
11 ning and end of the period covered by such reports;

12 “~~(3)~~ information with respect to all persons taken  
13 into the employment of the Commission during the year  
14 covered by the report, including names, pertinent bio-  
15 graphical data and experience, Commission positions  
16 held and compensation paid, together with the names of  
17 those persons who have left the employ of the Commis-  
18 sion during such year: *Provided*, That the first annual  
19 report following the date of enactment of Communica-  
20 tions Act Amendments, 1951, shall contain such infor-  
21 mation with respect to all persons in the employ of the  
22 Commission at the close of the year for which the report  
23 is made;

24 “~~(4)~~ an itemized statement of all funds expended  
25 during the preceding year by the Commission, of the

1 sources of such funds, and of the authority in this Act  
2 or elsewhere under which such expenditures were made;  
3 and

4 “(5) specific recommendations to Congress as to  
5 additional legislation which the Commission deems  
6 necessary or desirable, including all legislative proposals  
7 submitted for approval to the Director of the Budget.”

8 SEC. 5. Section 5 of such Act, as amended, is amended  
9 to read as follows:

10 “ORGANIZATION OF THE COMMISSION

11 “SEC. 5. (a) The member of the Commission designated  
12 by the President as Chairman shall be the chief executive  
13 officer of the Commission. It shall be his duty to preside  
14 at all meetings and sessions of the Commission, to represent  
15 the Commission in all matters relating to legislation and  
16 legislative reports except that any Commissioner may pre-  
17 sent his own or minority views or supplemental reports,  
18 to represent the Commission in all matters requiring con-  
19 ferences or communications with other governmental officers,  
20 departments or agencies, and generally to coordinate and  
21 organize the work of the Commission in such manner as  
22 to promote prompt and efficient disposition of all matters  
23 within the jurisdiction of the Commission. In the case  
24 of a vacancy in the office of the Chairman of the Com-  
25 mission, or the absence or inability of the Chairman to

1 serve, the Commission may temporarily designate and ap-  
2 point one of its members to act as Chairman until the cause  
3 or circumstance requiring such service shall have been elimi-  
4 nated or corrected.

5       “(b) Within sixty days after the enactment of the  
6 Communications Act Amendments, 1951, and from time  
7 to time thereafter as the Commission may find necessary,  
8 the Commission shall organize its legal, engineering, and  
9 accounting staff into (1) integrated divisions, to func-  
10 tion on the basis of the Commission’s principal workload  
11 operations; and (2) into such other divisional organizations  
12 as the Commission may deem necessary to handle that part  
13 of its workload which cuts across more than one integrated  
14 division or which does not lend itself to the integrated  
15 division set-up. Each such integrated division and divisional  
16 organization shall include such legal, engineering, accounting,  
17 administrative, and clerical personnel as the Commission may  
18 determine to be necessary to perform its functions. The  
19 general counsel, the chief engineer, and the chief accountant  
20 and their respective assistants shall carry out their respective  
21 duties under such rules and regulations as the Commission  
22 may prescribe. The Commission shall establish a staff,  
23 directly responsible to it, which shall include such legal,  
24 engineering, and accounting personnel as the Commission  
25 deems necessary, whose duty shall be to prepare such drafts

1 of Commission decisions, orders, and other memoranda as  
2 the Commission, in the exercise of its quasi-judicial duties,  
3 may from time to time direct: *Provided*, That no member  
4 of such staff shall participate in a hearing or represent the  
5 Commission, directly or indirectly, in any prosecutory or  
6 investigatory function or proceeding.

7       “(e) Except as provided in section 409 hereof, the Com-  
8 mission, when necessary to the proper functioning of the  
9 Commission and the prompt and orderly conduct of its busi-  
10 ness, is hereby authorized and directed to assign or refer any  
11 portion of its work, business, or functions to an individual  
12 Commissioner or Commissioners or to a board composed of  
13 one or more employees of the Commission, to be designated  
14 by such order for action thereon, and by its further order at  
15 any time to amend, modify, or rescind any such order or  
16 reference: *Provided*, That this authority shall not extend to  
17 duties otherwise specifically imposed by this or any other  
18 Act of Congress. Any order, decision, or report made or  
19 other action taken pursuant to any such order or reference  
20 shall have the same force and effect and may be made,  
21 evidenced, and enforced as is made by the Commission:  
22 *Provided, however*, That any person aggrieved by any such  
23 order, decision, or report may file a petition for review by the  
24 Commission, and every such petition shall be passed upon

1 by the Commission. The secretary and seal of the Com-  
2 mission shall be the secretary and seal of such individual  
3 Commissioner or board.

4       “(d) Meetings of the Commission shall be held at regu-  
5 lar intervals, not less frequently than once each calendar  
6 month, at which times the functioning of the Commission  
7 and the handling of its work load shall be reviewed and such  
8 orders shall be entered and other action taken as may be  
9 necessary or appropriate to expedite the prompt and orderly  
10 conduct of the business of the Commission with the objective  
11 of rendering a final decision ~~(1)~~ within three months from  
12 the date of filing in all original application, renewal, and  
13 transfer cases and ~~(2)~~ within six months from the final date  
14 of the hearing in all hearing cases; and the Commission  
15 shall promptly report to the Congress each such case which  
16 has been pending before it more than such three- or six-  
17 month period, respectively, stating the reasons therefor.”

18       SEC. 6. Subsection ~~(d)~~ of section 307 of such Act is  
19 amended to read as follows:

20       “(d) No license granted for the operation of a broad-  
21 casting station shall be for a longer term than three years  
22 and no license so granted for any other class of station shall  
23 be for a longer term than five years, and any license granted  
24 may be revoked as hereinafter provided. Upon the expira-  
25 tion of any license, upon application therefor, a renewal of

1 such license may be granted from time to time for a term  
2 of not to exceed three years in the case of broadcasting  
3 licenses and not to exceed five years in the case of other  
4 licenses if the Commission finds that public interest, con-  
5 venience and necessity would be served thereby."

6       SEC. 7. So much of subsection (a) of section 308 of  
7 such Act as precedes the second proviso is amended to read  
8 as follows: "The Commission may grant instruments of  
9 authorization entitling the holders thereof to construct or  
10 operate apparatus for the transmission of energy, or com-  
11 munications, or signals by radio or modifications or renewals  
12 thereof, only upon written application therefor received by  
13 it: *Provided*, That (1) in cases of emergency found by  
14 the Commission involving danger to life or property or  
15 due to damage to equipment, or (2) during a national  
16 emergency proclaimed by the President or declared by  
17 the Congress and during the continuance of any war in which  
18 the United States is engaged and when such action is neces-  
19 sary for the national defense or security or otherwise in  
20 furtherance of the war effort, the Commission may grant  
21 and issue authority to construct or operate apparatus for  
22 the transmission of energy or communications or signals  
23 by radio during the emergency so found by the Commis-  
24 sion or during the continuance of any such national emergency  
25 or war, in such manner and upon such terms and condi-

1 tions as the Commission shall by regulation prescribe, and  
2 without the filing of a formal application, but no such author-  
3 ity shall be granted for a period beyond the period of  
4 the emergency requiring it nor remain effective beyond  
5 such period.”

6 SEC. 8. Section 309 of such Act, as amended, is amended  
7 to read as follows:

8 “HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF  
9 LICENSES; CONDITIONS ATTACHED TO LICENSES

10 “SEC. 309. (a) If upon examination of any application  
11 provided for in section 308 the Commission shall determine  
12 that public interest, convenience, and necessity would be  
13 served by the granting thereof, it shall authorize the issuance  
14 of the instrument of authorization for which application is  
15 made in accordance with said finding.

16 “(b) If upon examination of any such application the  
17 Commission is unable to make the finding specified in sub-  
18 section (a) of this section, it shall forthwith notify the ap-  
19 plicant and other known parties in interest of the grounds  
20 and reasons for its inability to make such finding. Such  
21 notice, which shall precede formal designation for a hearing,  
22 shall advise the applicant and all other known parties in  
23 interest of all objections made to the application as well as  
24 the source and nature of such objections. Following such  
25 notice, the applicant shall be given an opportunity to reply.

1 If the Commission, after considering such reply, shall be  
2 unable to make the finding specified in subsection (a) of  
3 this section, it shall formally designate the application  
4 for hearing on the grounds or reasons then obtaining and  
5 shall notify the applicant and all other known parties in  
6 interest of such action and the grounds and reasons therefor,  
7 specifying with particularity the matters and things in issue  
8 but not including issues or requirements phrased generally.  
9 The parties in interest, if any, who are not notified by the  
10 Commission of its action with respect to a particular applica-  
11 tion may acquire the status of a party to the proceeding  
12 thereon by filing a petition for intervention showing the basis  
13 for their interest at any time not less than ten days prior to  
14 the date of hearing. Any hearing subsequently held upon  
15 such application shall be a full hearing in which the appli-  
16 cant and all other parties in interest shall be permitted to  
17 participate but in which both the burden of proceeding with  
18 the introduction of evidence upon any issue specified by the  
19 Commission, as well as the burden of proof upon all such  
20 issues, shall be upon the applicant.

21       “(c) When any instrument of authorization is granted  
22 by the Commission without a hearing as provided in subsec-  
23 tion (a) hereof, such grant shall remain subject to protest as  
24 hereinafter provided for a period of thirty days. During  
25 such thirty-day period any party in interest may file a pro-

1 test under oath directed to such grant and request a hearing  
2 on said application so granted. Any protest so filed shall  
3 contain such allegations of fact as will show the protestant  
4 to be a party in interest and shall specify with particularity  
5 the facts, matters, and things relied upon, but shall not in-  
6 clude issues or allegations phrased generally. The Commis-  
7 sion shall, within fifteen days from the date of the filing of  
8 such protest, enter findings as to whether such protest meets  
9 the foregoing requirements and if it so finds the application  
10 involved shall be set for hearing upon the issues set forth  
11 in said protest, together with such further specific issues, if  
12 any, as may be prescribed by the Commission. In any hear-  
13 ing subsequently held upon such application all issues speci-  
14 fied by the Commission shall be tried in the same manner  
15 provided in subsection (b) hereof but with respect of all  
16 issues set forth in the protest and not specifically adopted by  
17 the Commission, both the burden of proceeding with the  
18 introduction of evidence and the burden of proof shall be  
19 upon the protestant. The hearing and determination of  
20 cases arising under this subsection shall be expedited by the  
21 Commission and pending hearing and decision the effective  
22 date of the Commission's action to which protest is made  
23 shall be postponed to the effective date of the Commission's  
24 decision after hearing, unless the authorization involved is  
25 necessary to the maintenance or conduct of an existing

1 service, in which event the Commission shall authorize the  
2 applicant to utilize the facilities or authorization in question  
3 pending the Commission's decision after hearing.

4       “(d) Such station licenses as the Commission may  
5 grant shall be in such general form as it may prescribe, but  
6 each license shall contain, in addition to other provisions, a  
7 statement of the following conditions to which such license  
8 shall be subject: (1) The station license shall not vest in  
9 the licensee any right to operate the station nor any right in  
10 the use of the frequencies designated in the license beyond  
11 the term thereof nor in any other manner than authorized  
12 therein; (2) neither the license nor the right granted there-  
13 under shall be assigned or otherwise transferred in violation  
14 of this Act; (3) every license issued under this Act shall be  
15 subject in terms to the right of use or control conferred  
16 by section 606 hereof.”

17       SEC. 9. Subsection (b) of section 310 of said Act is  
18 amended to read as follows:

19       “(b) No instrument of authorization granted by the  
20 Commission entitling the holder thereof to construct or to  
21 operate radio apparatus and no rights granted thereunder  
22 shall be transferred, assigned, or disposed of in any manner,  
23 voluntarily or involuntarily, directly or indirectly, or by  
24 transfer of control of any corporation holding such instru-  
25 ment of authorization, to any person except upon application

1 to the Commission and upon finding by the Commission that  
2 the proposed transferee or assignee possesses the qualifica-  
3 tions required of an original permittee or licensee. The  
4 procedure for handling such application shall be that pro-  
5 vided in section 309."

6 SEC. 10. Section 311 of such Act, as amended, is  
7 amended to read as follows:

8 "SEC. 311. The Commission is hereby directed to refuse  
9 a station license and/or the permit hereinafter required for  
10 the construction of a station to any person (or to any per-  
11 son directly or indirectly controlled by such person) whose  
12 license has been revoked by a court under section 313."

13 SEC. 11. Section 312 of such Act, as amended, is  
14 amended to read as follows:

15 "REVOCATION OF LICENSES; CEASE AND DESIST ORDERS

16 "SEC. 312. (a) Any station license may be revoked  
17 (1) because of conditions coming to the attention of the  
18 Commission since the granting of such license which would  
19 have warranted the Commission in refusing to grant such  
20 license, or (2) for violation or failure to observe any of  
21 the restrictions or provisions of a treaty ratified by the  
22 United States, or (3) for violation of or failure to observe  
23 the terms and conditions of any cease-and-desist order issued  
24 by the Commission pursuant to subsection (b) hereof. The  
25 Commission may institute a revocation proceeding by serv-

1 ing upon the licensee an order to show cause why its license  
2 should not be revoked. Said orders shall contain a statement  
3 of the particulars and matters with respect to which the  
4 Commission is inquiring and shall call upon the licensee to  
5 appear before the Commission at a time and place therein  
6 stated, but in no event less than thirty days after receipt  
7 of such notice, and give evidence upon the matter specified  
8 in said order: *Provided*, That where safety of life or prop-  
9 erty is involved, the Commission may by order provide for  
10 a shorter period of notice. If, after hearing, or a waiver  
11 thereof by the licensee, the Commission determines that a  
12 revocation order should issue, it shall make a report in  
13 writing stating the findings of the Commission and the  
14 grounds and reasons therefor and shall cause the same to  
15 be served on said licensee, together with such order.

16 “(b) Where any person ~~(1)~~ has failed to operate sub-  
17 stantially as set forth in an instrument of authorization, or  
18 ~~(2)~~ has failed to observe any of the restrictions and con-  
19 ditions of this Act or of a treaty ratified by the United  
20 States, or ~~(3)~~ has violated or failed to observe any rule  
21 or regulation of the Commission authorized by this Act,  
22 the Commission may institute a proceeding by serving upon  
23 such person an order to show cause why it should not cease  
24 and desist from such action. Said order shall contain a

1 statement of the particulars and matters with respect to  
2 which the Commission is inquiring and shall call upon  
3 such person to appear before the Commission at a time  
4 and place therein stated, but in no event less than thirty days  
5 after receipt of such notice, and give evidence upon the  
6 matter specified in said order. If, after hearing, or a waiver  
7 thereof by such person, the Commission determines that a  
8 cease-and-desist order should be issued, it shall make a report in  
9 writing stating the findings of the Commission and the  
10 grounds and reasons therefor and shall cause the same to be  
11 served on said person, together with such order.

12 SEC. 12. Part I of title III of such Act is amended by  
13 adding the following new section:

14 "MODIFICATION BY COMMISSION OF CONSTRUCTION

15 PERMITS OR LICENSES

16 "SEC. 330. (a) Any station license granted under the  
17 provisions of this Act or the construction permit required  
18 thereby may be modified by the Commission either for a  
19 limited time or for the duration of the term thereof, if in  
20 the judgment of the Commission such action will promote  
21 the public interest, convenience, and necessity, or the pro-  
22 visions of this Act or of any treaty ratified by the United  
23 States will be more fully complied with: *Provided*, That no  
24 such order or modification shall become final until the holder  
25 of such outstanding license or permit shall have been notified

1 in writing of the proposed action and the grounds and  
2 reasons therefor, and shall have been given reasonable oppor-  
3 tunity, in no event less than thirty days, to show cause by  
4 public hearing, if requested, why such order of modification  
5 should not issue: *Provided*, That where safety of life or  
6 property is involved, the Commission may by order provide  
7 for a shorter period of notice.

8       “(b) In any case where a hearing is conducted pur-  
9 suant to the provisions of this section or section 312, both  
10 the burden of proceeding with the introduction of evidence  
11 and the burden of proof shall be upon the Commission.”

12       SEC. 13. Part I of title III of such Act is amended by  
13 adding the following new section:

14       “LIMITATIONS ON QUASI-JUDICIAL POWERS

15       “SEC. 331. No license granted and issued under the  
16 authority of this Act for the operation of any radio station  
17 shall be modified by the Commission, except in the manner  
18 provided in section 330 (a) hereof, and no such license  
19 may be revoked, terminated, or otherwise invalidated by the  
20 Commission, except in the manner and for the reasons pro-  
21 vided in section 312 (a) hereof. When application is  
22 made for renewal of an existing license, which cannot  
23 be disposed of by the Commission under the provisions of  
24 section 309 (a) hereof, the Commission shall employ the  
25 procedure specified in section 309 (b) hereof, except that in

1 any hearing subsequently held upon such application the  
 2 burden of proceeding with the evidence and of substantiat-  
 3 ing the grounds and reasons specified by the Commission  
 4 in the formal notice of hearing issued pursuant to section  
 5 309 (b) hereof shall be upon the appropriate division  
 6 established by the Commission under the provisions of  
 7 section 5 (b) hereof or upon any party or parties who  
 8 may oppose such renewal; but as a condition precedent  
 9 to the renewal the Commission shall affirmatively find  
 10 that the public interest, convenience and necessity will be  
 11 served by such renewal. Pending such hearing and final  
 12 decision pursuant thereto the Commission shall continue  
 13 such license in effect."

14 SEC. 14. The heading of section 401 of such Act is  
 15 amended to read:

16 "JURISDICTION TO ENFORCE ACT AND ORDERS OF  
 17 COMMISSION; DECLARATORY ORDERS"

18 and such section is amended by adding at the end thereof  
 19 a new subsection (c) as follows:

20 "(c) The Commission is authorized, in its sound dis-  
 21 cretion and with like effect as in the case of other orders,  
 22 to issue a declaratory order to terminate a controversy  
 23 or remove uncertainty. Notwithstanding the provisions  
 24 of section 5 (d) of the Act of June 11, 1946 (60 Stat.  
 25 239) declaratory orders shall be issued only upon the

1 petition of, and after notice to and opportunity for hear-  
2 ing by, persons who are bona fide applicants for, or the  
3 holders of, construction permits or licenses, or otherwise  
4 subject to the jurisdiction of the Commission, and shall  
5 not bind or affect the rights of persons who are not parties  
6 to such proceedings. Such orders shall be available to  
7 declare rights and other legal relations arising under the  
8 provisions of any treaty ratified by the United States,  
9 under any provision of this Act, or under any order, rule,  
10 regulation, term, condition, limitation, or requirement issued,  
11 promulgated, or adopted by the Commission, whether or  
12 not involving failure to comply therewith."

13       SEC. 15. Section 402 of such Act is amended to read  
14 as follows:

15       "SEC. 402. (a) The provisions of the Act of June  
16 25, 1948 (62 Stat. 992), as amended, relating to the  
17 enforcing or setting aside of orders of the Interstate Com-  
18 merce Commission are hereby made applicable to suits  
19 to enforce, enjoin, set aside, annul, or suspend any order  
20 of the Commission under this Act (except those appeal-  
21 able under the provisions of subsection (b) hereof), and  
22 such suits are hereby authorized to be brought as pro-  
23 vided in that Act. In addition to the venues specified  
24 in that Act, suits to enjoin, set aside, annul, or suspend,  
25 but not to enforce, any such order of the Commission may

1 also be brought in the United States District Court for  
2 the District of Columbia.

3       “(b) Appeals may be taken from decisions and orders  
4 of the Commission to the United States Court of Appeals  
5 for the District of Columbia in any of the following cases:

6           “(1) By any applicant for any instrument of  
7 authorization required by this Act, or the regulations of  
8 the Commission made pursuant to this Act, for the con-  
9 struction or operation of apparatus for the transmission  
10 of energy, or communications, or signals by radio, whose  
11 application is denied by the Commission.

12           “(2) By any applicant for the renewal or modi-  
13 fication of any such instrument of authorization whose  
14 application is denied by the Commission.

15           “(3) By any party to an application for authority  
16 to assign any such instrument of authorization or to  
17 transfer control of any corporation holding such instru-  
18 ment of authorization whose application is denied by  
19 the Commission.

20           “(4) By any applicant for the permit required by  
21 section 325 of this Act whose application has been denied  
22 by the Commission or any permittee under said section  
23 whose permit has been revoked by the Commission.

24           “(5) By the holder of any instrument of authori-  
25 zation required by this Act, or the regulations of the

1 Commission made pursuant to this Act, for the con-  
2 struction or operation of apparatus for the transmission  
3 of energy, or communications or signals by radio, which  
4 instrument has been modified or revoked by the  
5 Commission.

6 “(6) By any other person who is aggrieved or  
7 whose interests are adversely affected by any order of  
8 the Commission granting or denying any application  
9 described in paragraphs (1), (2), (3), and (4)  
10 hereof.

11 “(7) By any person upon whom an order to cease  
12 and desist has been served under section 312 (b) of  
13 this Act.

14 “(8) By any party to a proceeding under section  
15 401 who is aggrieved or whose interests are adversely  
16 affected by a declaratory order entered by the  
17 Commission.

18 “(9) By any radio operator whose license has been  
19 suspended by the Commission.

20 “(e) Such appeal shall be taken by filing a notice of  
21 appeal with the court within thirty days after the entry  
22 of the order complained of. Such notice of appeal shall  
23 contain a concise statement of the nature of the proceedings  
24 as to which the appeal is taken; a concise statement of the  
25 reasons on which the appellant intends to rely, separately

1 stated and numbered; and proof of service of a true copy  
2 of said notice and statement upon the Commission. Upon  
3 filing of such notice, the court shall have exclusive juris-  
4 diction of the proceedings and of the questions determined  
5 therein and shall have power, by order, directed to the Com-  
6 mission or any other party to the appeal, to grant such  
7 temporary relief as it may deem just and proper. Orders  
8 granting temporary relief may be either affirmative or nega-  
9 tive in their scope and application so as to permit either the  
10 maintenance of the status quo in the matter in which the  
11 appeal is taken or the restoration of a position or status  
12 terminated or adversely affected by the order appealed from  
13 and shall, unless otherwise ordered by the court, be effective  
14 pending hearing and determination of said appeal and com-  
15 pliance by the Commission with the final judgment of the  
16 court rendered in said appeal.

17       “(d) Upon the filing of any such notice of appeal the  
18 Commission shall, not later than five days after the date  
19 of service upon it, notify each person shown by the records  
20 of the Commission to be interested in said appeal of the  
21 filing and pendency of the same and shall thereafter permit  
22 any such person to inspect and make copies of said notice  
23 and statement of reasons therefor at the office of the Com-  
24 mission in the city of Washington. Within thirty days after

1 the filing of an appeal, the Commission shall file with the  
2 court a copy of the order complained of, a full statement in  
3 writing of the facts and grounds relied upon by it in support  
4 of the order involved upon said appeal, and the originals or  
5 certified copies of all papers and evidence presented to and  
6 considered by it in entering said order.

7 “(e) Within thirty days after the filing of an appeal  
8 any interested person may intervene and participate in the  
9 proceedings had upon said appeal by filing with the court  
10 a notice of intention to intervene and a verified statement  
11 showing the nature of the interest of such party, together  
12 with proof of service of true copies of said notice and state-  
13 ment, both upon appellant and upon the Commission. Any  
14 person who would be aggrieved or whose interest would be  
15 adversely affected by a reversal or modification of the order  
16 of the Commission complained of shall be considered an  
17 interested party.

18 “(f) The record and briefs upon which any such appeal  
19 shall be heard and determined by the court shall contain  
20 such information and material, and shall be prepared within  
21 such time and in such manner as the court may by rule  
22 prescribe.

23 “(g) At the earliest convenient time the court shall hear

1 and determine the appeal upon the record before it in the  
2 manner prescribed by section 10 (c) of the Act of June 11,  
3 1946 (60 Stat. 243).

4 “(h) In the event that the court shall render a decision  
5 and enter an order reversing the order of the Commission,  
6 it shall remand the case to the Commission to carry out the  
7 judgment of the court and it shall be the duty of the Com-  
8 mission, in the absence of the proceedings to review such  
9 judgment, to forthwith give effect thereto, and unless other-  
10 wise ordered by the court, to do so upon the basis of the  
11 proceedings already had and the record upon which said  
12 appeal was heard and determined.

13 “(i) The court may, in its discretion, enter judgment  
14 for costs in favor of or against an appellant, or other inter-  
15 ested parties intervening in said appeal, but not against the  
16 Commission, depending upon the nature of the issues in-  
17 volved upon said appeal and the outcome thereof.

18 “(j) The court’s judgment shall be final, subject, how-  
19 ever, to review by the Supreme Court of the United States  
20 as hereinafter provided—

21 “(1) an appeal may be taken direct to the Supreme  
22 Court of the United States in any case wherein the juris-  
23 diction of the court is invoked, or sought to be invoked,  
24 for the purpose of reviewing any decision or order  
25 entered by the Commission in proceedings instituted by

1 the Commission which have as their object and purpose  
2 the revocation of an existing license or any decision or  
3 order entered by the Commission in proceedings which  
4 involve the failure or refusal of the Commission to renew  
5 an existing license. Such appeal shall be taken by the  
6 filing of an application therefor or notice thereof within  
7 thirty days after the entry of the judgment sought to be  
8 reviewed, and in the event such an appeal is taken the  
9 record shall be made up and the case docketed in the  
10 Supreme Court of the United States within sixty days  
11 from the time such an appeal is allowed under such rules  
12 as may be prescribed;

13 “(2) in all other cases, review by the Supreme  
14 Court of the United States shall be upon writ of certiorari  
15 on petition therefor under section 240 of the  
16 Judicial Code, as amended, by the appellant, by the  
17 Commission, or by any interested party intervening in  
18 the appeal, or by certification by the court pursuant to  
19 the provision of section 239 of the Judicial Code, as  
20 amended.”

21 SEC. 16. The heading of section 405 of such Act is  
22 amended to read:

23 “REHEARINGS BEFORE COMMISSION

24 and such section is amended to read as follows:

25 “SEC. 405. (a) After a decision, order, or requirement

1 has been made by the Commission in any proceeding, any  
2 party thereto, or any other person aggrieved or whose inter-  
3 ests are adversely affected thereby, may petition for rehear-  
4 ing. Petitions for rehearing must be filed within thirty days  
5 from the entry of any decision, order, or requirement com-  
6 plained of and except for those cases in which the decision,  
7 order, or requirement challenged is necessary for the mainte-  
8 nance or conduct of an existing service, the filing of such a  
9 petition shall automatically stay the effective date thereof  
10 until after decision on said petition. The filing of a petition  
11 for rehearing shall not be a condition precedent to judicial  
12 review of any such decision, order, or requirement, except  
13 where the party seeking such review was not a party to the  
14 proceedings resulting in such decision, order, or requirement,  
15 or where the party seeking such review relies on questions of  
16 fact or law upon which the Commission has been afforded no  
17 opportunity to pass. Rehearings shall be governed by such  
18 general rules as the Commission may establish: *Provided,*  
19 *That,* except for newly discovered evidence or evidence  
20 otherwise available only since the original taking of evidence,  
21 no evidence shall be taken on any rehearing. The time  
22 within which an appeal must be taken under section 402  
23 (b) hereof shall be computed from the date upon which  
24 orders are entered disposing of all petitions for rehearing  
25 filed in any case, but any decision, order, or requirement

1 made after such rehearing reversing, changing, or modifying  
2 the original determination shall be subject to the same pro-  
3 visions with respect to rehearing as an original order."

4 SEC. 17. Section 409 (a) of such Act is amended to  
5 read as follows:

6 "SEC. 409. (a) Notwithstanding the provisions of sec-  
7 tion 7 (a) of the Act of June 11, 1946 (60 Stat. 241),  
8 all cases in which a hearing is required by the provisions  
9 of this Act or by other applicable provisions of law shall  
10 be conducted by the Commission or by one or more examiners  
11 provided for in section 11 of the Act of June 11, 1946  
12 (60 Stat. 244), designated by the Commission. The officer  
13 or officers presiding at any such hearing shall have the same  
14 authority and duties exercised in the same manner and sub-  
15 ject to the same conditions specified in section 7 of that Act.

16 "(b) Notwithstanding the provisions of section 8 of the  
17 Act of June 11, 1946 (60 Stat. 242), the officer or officers  
18 conducting a hearing shall prepare and file an intermediate  
19 report. In all such cases the Commission shall permit the  
20 filing of exceptions to such intermediate report by any party  
21 to the proceeding and shall, upon request, hear oral argument  
22 on such exceptions before the entry of any final decision,  
23 order, or requirement. All decisions, including the inter-  
24 mediate report, shall become a part of the record and shall  
25 include a statement of (1) findings and conclusions, as well

1 as the basis therefor, upon all material issues of fact, law,  
2 or discretion, presented on the record; and ~~(2)~~ the appro-  
3 priate decision, order, or requirement.

4     “(c) Notwithstanding the provisions of section 5 (c) of  
5 the Act of June 11, 1946 (60 Stat. 239), no officer conduct-  
6 ing a hearing pursuant to (a) and (b) hereof shall, except  
7 to the extent required for the disposition of ex parte matters  
8 as authorized by law, consult any person or party on any  
9 fact or question of law in issue, unless upon notice and  
10 opportunity for all parties to participate; nor shall such  
11 officer be responsible to or subject to the supervision or direc-  
12 tion of any other person engaged in the performance of  
13 investigative, prosecuting, or other functions for the Com-  
14 mission or any other agency of the Government. No person  
15 or persons engaged in the performance of investigative or  
16 prosecuting functions for the Commission or for any other  
17 agency of the Government shall participate or advise in the  
18 proceedings described in (a) and (b) hereof, except as a  
19 witness or counsel in public proceedings. The Commission  
20 shall not employ attorneys or other persons for the purpose  
21 of reviewing transcripts or preparing intermediate reports  
22 of final decisions, except that this shall not apply to the  
23 review staff provided by subsection 5 (b) and to legal  
24 assistants assigned separately to a Commission member who  
25 may, for such Commission member, review such transcripts

1 and prepare such drafts. No intermediate report shall be  
2 reviewed either before or after its publication by any person  
3 other than a member of the Commission or his legal assist-  
4 ant, as above provided, and no examiner, who conducts a  
5 hearing, shall advise or consult with the Commission with  
6 respect to his intermediate report or with respect to excep-  
7 tions taken to his findings, rulings, or recommendations."

8       (b) Subsections (b), (c), (d), (e), (f), (g), (h),  
9 (i), and (j) of section 409 are amended to read subsec-  
10 tions (d), (e), (f), (g), (h), (i), (j), (k), and (l),  
11 respectively.

12       SEC. 18. Section 414 of such Act is amended by adding  
13 at the end thereof the following: "Except as specifically  
14 provided in this Act the provisions of the Act of June 11,  
15 1946 (60 Stat. 237) shall apply in all proceedings under  
16 this Act."

17       SEC. 19. Chapter 63 of the Criminal Code, title 18, is  
18 amended by inserting a new section as follows:

19                               "Fraud by Radio

20       "SEC. 1343. Whoever, having devised or intending to  
21 devise any scheme or artifice to defraud, or for obtaining  
22 money or property by means of false or fraudulent pre-  
23 tenses, representations, or promises, shall transmit or cause  
24 to be transmitted by means of radio communication or inter-  
25 state wire communication, any writings, signs, signals, pic-

1 tures, or sounds for the purpose of executing such scheme  
2 or artifice, or whoever operating any radio station for which  
3 a license is required by any law of the United States, know-  
4 ingly permits the transmission of any such communication,  
5 shall be fined not more than \$10,000 or imprisoned not more  
6 than five years, or both."

7       SEC. 20. If any provision of this Act or the application  
8 thereof to any person or circumstance is held invalid, the  
9 remainder of the Act and the application of such provision  
10 to other persons or circumstances shall not be affected  
11 thereby.

12 *That this Act may be cited as the "Communications Act*  
13 *Amendments, 1952".*

14       SEC. 2. Paragraph (o) of section 3 of the Communica-  
15 tions Act of 1934, as amended, is amended to read as  
16 follows:

17       “(o) ‘Broadcasting’ means the dissemination of radio  
18 communications intended to be received directly by the  
19 public.”

20       SEC. 3. Section 3 of such Act is amended by adding  
21 after subsection (aa) the following:

22       “(bb) ‘Station license’, ‘radio station license’, or ‘license’  
23 means that instrument of authorization required by this Act  
24 or the rules and regulations of the Commission made pursuant  
25 to this Act, for the use or operation of apparatus for trans-

1 mission of energy, or communications, or signals by radio,  
2 by whatever name the instrument may be designated by the  
3 Commission.

4 “(cc) ‘Broadcast station’, ‘broadcasting station’, or ‘radio  
5 broadcast station’ means a radio station equipped to engage  
6 in broadcasting as herein defined.

7 “(dd) ‘Construction permit’ or ‘permit for construction’  
8 means that instrument of authorization required by this  
9 Act or the rules and regulations of the Commission made  
10 pursuant to this Act for the construction of a station, or the  
11 installation of apparatus, for the transmission of energy, or  
12 communications, or signals by radio, by whatever name the  
13 instrument may be designated by the Commission.”

14 SEC. 4. (a) Subsection (b) of section 4 of such Act  
15 is amended by striking out the last two sentences thereof  
16 and inserting in lieu of such sentences the following: “Such  
17 commissioners shall not engage in any other business, voca-  
18 tion, profession, or employment; but this shall not apply to  
19 the preparation of technical or professional publications  
20 for which a reasonable honorarium or compensation may  
21 be accepted. Not more than four members of the Com-  
22 mission shall be members of the same political party.”

23 (b) Paragraph (2) of subsection (f) of section 4 of  
24 such Act is amended by striking out “(2)” and inserting in

1 *lieu thereof "(3)"; and such subsection (f) is further*  
2 *amended by striking out paragraph (1) thereof and insert-*  
3 *ing in lieu of such paragraph the following paragraphs:*

4       *"(f) (1) The Commission shall have authority, subject*  
5 *to the provisions of the civil-service laws and the Classification*  
6 *Act of 1949, as amended, to appoint such officers, engineers,*  
7 *accountants, attorneys, inspectors, examiners, and other em-*  
8 *ployees as are necessary in the exercise of its functions.*

9       *"(2) Without regard to the civil-service laws, but sub-*  
10 *ject to the Classification Act of 1949, each commissioner may*  
11 *appoint and fix the compensation of a professional assistant*  
12 *who shall perform such duties as such commissioner shall*  
13 *direct."*

14       *(c) The first sentence of subsection (g) of section 4*  
15 *of such Act is amended to read as follows: "The Commission*  
16 *may make such expenditures (including expenditures for rent*  
17 *and personal services at the seat of government and else-*  
18 *where, for office supplies, law books, periodicals, and books*  
19 *of reference, for printing and binding, for land for use as*  
20 *sites for radio monitoring stations and related facilities, in-*  
21 *cluding living quarters where necessary in remote areas, for*  
22 *the constructon of such stations and facilities, and for the*  
23 *improvement, furnishing, equipping, and repairing of such*  
24 *stations and facilities and of laboratories and other related*  
25 *facilities (including construction of minor subsidiary build-*

1 ings and structures not exceeding \$25,000 in any one in-  
2 stance) used in connection with technical research activities),  
3 as may be necessary for the execution of the functions vested  
4 in the Commission and as from time to time may be appro-  
5 priated for by Congress.”

6 (d) Subsection (k) of section 4 of such Act is amended  
7 to read as follows:

8 “(k) The Commission shall make an annual report to  
9 Congress, copies of which shall be distributed as are other  
10 reports transmitted to Congress. Such reports shall  
11 contain—

12 “(1) such information and data collected by the  
13 Commission as may be considered of value in the deter-  
14 mination of questions connected with the regulation of  
15 interstate and foreign wire and radio communication  
16 and radio transmission of energy;

17 “(2) such information and data concerning the  
18 functioning of the Commission as will be of value to  
19 Congress in appraising the amount and character of the  
20 work and accomplishments of the Commission and the  
21 adequacy of its staff and equipment: Provided, That the  
22 first and second annual reports following the date of en-  
23 actment of the Communications Act Amendments, 1952,  
24 shall set forth in detail the number and caption of pend-  
25 ing applications requesting approval of transfer of con-

1        *trol or assignment of a broadcasting station license, or*  
2        *construction permits for new broadcasting stations, or for*  
3        *increases in power, or for changes of frequency of exist-*  
4        *ing broadcasting stations at the beginning and end of the*  
5        *period covered by such reports;*

6            *“(3) information with respect to all persons taken*  
7        *into the employment of the Commission during the year*  
8        *covered by the report, including names, pertinent bio-*  
9        *graphical data and experience, Commission positions*  
10       *held and compensation paid, together with the names of*  
11       *those persons who have left the employ of the Commis-*  
12       *sion during such year: Provided, That the first annual*  
13       *report following the date of enactment of the Communi-*  
14       *cations Act Amendments, 1952, shall contain such infor-*  
15       *mation with respect to all persons in the employ of the*  
16       *Commission at the close of the year for which the report*  
17       *is made;*

18            *“(4) an itemized statement of all funds expended*  
19       *during the preceding year by the Commission, of the*  
20       *sources of such funds, and of the authority in this Act*  
21       *or elsewhere under which such expenditures were made;*  
22       *and*

23            *“(5) specific recommendations to Congress as to*  
24       *additional legislation which the Commission deems neces-*  
25       *sary or desirable, including all legislative proposals*

1        submitted for approval to the Director of the Bureau of  
2        the Budget.”

3        SEC. 5. Section 5 of such Act is amended to read as  
4        follows:

5        “ORGANIZATION AND FUNCTIONING OF THE COMMISSION

6        “SEC. 5. (a) The member of the Commission designated  
7        by the President as chairman shall be the chief executive  
8        officer of the Commission. It shall be his duty to preside  
9        at all meetings and sessions of the Commission, to represent  
10       the Commission in all matters relating to legislation and  
11       legislative reports, except that any commissioner may pre-  
12       sent his own or minority views or supplemental reports,  
13       to represent the Commission in all matters requiring con-  
14       ferences or communications with other governmental officers,  
15       departments or agencies, and generally to coordinate and  
16       organize the work of the Commission in such manner as  
17       to promote prompt and efficient disposition of all matters  
18       within the jurisdiction of the Commission. In the case  
19       of a vacancy in the office of the chairman of the Commission,  
20       or the absence or inability of the chairman to serve, the  
21       Commission may temporarily designate one of its members  
22       to act as chairman until the cause or circumstance requiring  
23       such designation shall have been eliminated or corrected.  
24       “(b) Within six months after the enactment of the  
25       Communications Act Amendments, 1952, and from time

1 to time thereafter as the Commission may find necessary,  
2 the Commission shall organize its staff into (1) integrated  
3 bureaus, to function on the basis of the Commission's prin-  
4 cipal workload operations, and (2) such other divisional  
5 organizations as the Commission may deem necessary to  
6 handle that part of its workload which cuts across more  
7 than one integrated bureau or which does not lend itself  
8 to the integrated bureau set-up. Each such integrated  
9 bureau shall include such legal, engineering, accounting,  
10 administrative, clerical, and other personnel as the Com-  
11 mission may determine to be necessary to perform its  
12 functions.

13       “(c) The Commission shall establish a special staff of  
14 employees, hereinafter in this Act referred to as the ‘review  
15 staff’, which shall consist of such legal, engineering, account-  
16 ing, and other personnel as the Commission deems necessary.  
17 The review staff shall be directly responsible to the Commis-  
18 sion and shall not be made a part of any bureau or divi-  
19 sional organization of the Commission. Its work shall not  
20 be supervised or directed by any employee of the Commission  
21 other than a member of the review staff whom the Commission  
22 may designate as the head of such staff. The review staff  
23 shall perform no duties or functions other than to assist the  
24 Commission, in cases of adjudication (as defined in the Ad-  
25 ministrative Procedure Act) which have been designated for

1 hearing, by preparing, without recommendations, a summary  
2 of the evidence presented at any such hearing, by preparing  
3 without recommendations, after an initial decision but prior  
4 to oral argument, a compilation of the facts material to the  
5 exceptions and replies thereto filed by the parties, and by  
6 preparing for the Commission or any member or members  
7 thereof, without recommendations and in accordance with  
8 specific directions from the Commission or such member or  
9 members, memoranda, opinions, decisions, and orders. The  
10 Commission shall not permit any employee who is not a  
11 member of the review staff to perform the duties and func-  
12 tions which are to be performed by the review staff; but  
13 this shall not be construed to limit the duties and functions  
14 which a professional assistant appointed pursuant to section  
15 4 (f) (2) may perform for the commissioner by whom he  
16 was appointed.

17       “(d) (1) The Commission is hereby authorized by  
18 its order to divide the members thereof into not more than  
19 three panels, each to consist of not less than three members.  
20 Any commissioner may be assigned to and may serve upon  
21 such panel or panels as the Commission may direct, and  
22 each panel shall choose its own chairman. In case of a  
23 vacancy in any panel, or of absence or inability to serve  
24 thereon of any commissioner thereto assigned, the chairman  
25 of the Commission or any commissioner designated by him

1 for that purpose may temporarily serve on said panel  
2 until the Commission shall otherwise order.

3 “(2) Except as provided in section 409, the Commis-  
4 sion may by order direct that any of its work, business,  
5 or functions arising under this or any other Act of Congress,  
6 or referred to it by Congress or by either branch thereof, be  
7 assigned or referred to any of said panels for action thereon,  
8 and may by order at any time amend, modify, supplement,  
9 or rescind any such direction.

10 “(3) In conformity with and subject to the order or  
11 orders of the Commission in the premises, each panel so  
12 constituted shall have power and authority by a majority  
13 thereof to hear and determine, order, certify, report, or other-  
14 wise act as to any of said work, business, or functions so  
15 assigned or referred to it for action, and in respect thereof  
16 shall have all the jurisdiction and powers conferred by law  
17 upon the Commission, and be subject to the same duties and  
18 obligations. Any order, decision, or report made or other  
19 action taken by any of said panels in respect of any matters  
20 so assigned or referred to it shall have the same force and  
21 effect, and may be made, evidenced, and enforced in the same  
22 manner as if made or taken by the Commission, subject to  
23 rehearing by the Commission as provided in section 405 of  
24 this Act for rehearing cases decided by the Commission. The

1 secretary and seal of the Commission shall be the secretary and  
2 seal of each panel thereof.

3       “(e) (1) Except as provided in section 409, the Com-  
4 mission may by order assign or refer any portion of its  
5 work, business, or functions arising under this or any other  
6 Act of Congress, or referred to it by Congress or either branch  
7 thereof, to an individual commissioner, or to a board com-  
8 posed of an employee or employees of the Commission, to be  
9 designated by such order for action thereon, and may by  
10 order at any time amend, modify, supplement, or rescind  
11 any such assignment or reference. In case of the absence,  
12 or inability for any other reason to act, of any such indi-  
13 vidual commissioner or of any employee designated to serve  
14 upon any such board, the chairman of the Commission may  
15 designate another commissioner or employee, as the case may  
16 be, to serve temporarily until the Commission shall otherwise  
17 order.

18       “(2) In conformity with and subject to the order or or-  
19 ders of the Commission in the premises, any such individual  
20 commissioner, or board acting by a majority thereof, shall  
21 have power and authority to hear and determine, order,  
22 certify, report, or otherwise act as to any of said work,  
23 business, or functions so assigned or referred to him or  
24 it for action, and in respect thereof shall have all the

1 *jurisdiction and powers conferred by law upon the Com-*  
2 *mission and be subject to the same duties and obligations.*  
3 *Any order, decision, or report made or other action taken*  
4 *by any such individual commissioner or board in respect*  
5 *of any matters so assigned or referred shall have the same*  
6 *force and effect, and may be made, evidenced, and enforced*  
7 *in the same manner as if made or taken by the Com-*  
8 *mission, subject to rehearing by the Commission as provided*  
9 *in section 405 of this Act for rehearing cases decided by the*  
10 *Commission. Every petition for such a rehearing shall be*  
11 *passed upon by the Commission. The Commission may*  
12 *make and amend rules for the conduct of proceedings before*  
13 *any such individual commissioner or board. The secretary*  
14 *and seal of the Commission shall be the secretary and seal*  
15 *of such individual commissioner or board.*

16       “(f) *Nothing in this section contained, or done pursuant*  
17 *thereto, shall be deemed to divest the Commission of any*  
18 *of its powers.*

19       “(g) *Meetings of the Commission shall be held at regu-*  
20 *lar intervals, not less frequently than once each calendar*  
21 *month, at which times the functioning of the Commission*  
22 *and the handling of its work load shall be reviewed and such*  
23 *orders shall be entered and other action taken as may be*  
24 *necessary or appropriate to expedite the prompt and orderly*  
25 *conduct of the business of the Commission with the objective*

1 of rendering a final decision (1) within three months from  
2 the date of filing in all original application, renewal, and  
3 transfer cases in which it will not be necessary to hold a  
4 hearing, and (2) within six months from the final date  
5 of the hearing in all hearing cases; and the Commission  
6 shall promptly report to the Congress each such case which  
7 has been pending before it more than such three- or six-  
8 month period, respectively, stating the reasons therefor.”

9       SEC. 6. (a) Subsection (d) of section 307 of such Act is  
10 amended to read as follows:

11       “(d) No license granted for the operation of a broad-  
12 casting station shall be for a longer term than three years  
13 and no license so granted for any other class of station shall  
14 be for a longer term than five years, and any license granted  
15 may be revoked or suspended as hereinafter provided. Upon  
16 the expiration of any license, upon application therefor, a  
17 renewal of such license may be granted from time to time for a  
18 term of not to exceed three years in the case of broadcasting  
19 licenses, and not to exceed five years in the case of other  
20 licenses, if the Commission finds that public interest, con-  
21 venience, and necessity would be served thereby. In order  
22 to expedite action on applications for renewal of broadcast-  
23 ing station licenses and in order to avoid needless expense  
24 to applicants for such renewals, the Commission shall not  
25 require any such applicant to file any information which

1 *previously has been furnished to the Commission or which*  
2 *is not directly material to the considerations that affect the*  
3 *granting or denial of such application. Pending any hear-*  
4 *ing and final decision on such an application and the dis-*  
5 *position of any petition for rehearing pursuant to section*  
6 *405, the Commission shall continue such license in effect."*

7 *(b) Section 307 of such Act is amended by adding at*  
8 *the end thereof the following subsection:*

9 *"(f) If the Commission, instead of granting the appli-*  
10 *cation of a licensee for the renewal of its station license, grants*  
11 *to another applicant a station license for the same or mutu-*  
12 *ally exclusive facilities, and if the applicant for renewal*  
13 *has operated substantially as set forth in the license and has*  
14 *not willfully violated or failed to observe any of the restric-*  
15 *tions and conditions of this Act or of any regulation of the*  
16 *Commission authorized by this Act or by a treaty ratified by*  
17 *the United States, then, if the applicant for renewal so re-*  
18 *quests, the grant of the station license to the other applicant*  
19 *shall be conditioned upon the purchase, by the other applicant,*  
20 *of the physical plant and equipment theretofore used for sta-*  
21 *tion purposes by the applicant for renewal, at a price equal*  
22 *to the fair value of such plant and equipment, as determined*  
23 *by the Commission."*

24 *SEC. 7. (a) So much of subsection (a) of section 308 of*  
25 *such Act as precedes the second proviso is amended to read*

1 as follows: "The Commission may grant construction permits  
2 and station licenses, or modifications or renewals thereof, only  
3 upon written application therefor received by it: Provided,  
4 That (1) in cases of emergency found by the Commission  
5 involving danger to life or property or due to damage to  
6 equipment, or (2) during a national emergency proclaimed  
7 by the President or declared by the Congress and during  
8 the continuance of any war in which the United States is  
9 engaged and when such action is necessary for the national  
10 defense or security or otherwise in furtherance of the war  
11 effort, or (3) in cases of emergency where the Commission  
12 finds, in the nonbroadcast services, that it would not be feasi-  
13 ble to secure renewal applications from existing licensees or  
14 otherwise to follow normal licensing procedure, the Com-  
15 mission may grant construction permits and station licenses,  
16 or modifications or renewals thereof, during the emergency  
17 so found by the Commission or during the continuance of  
18 any such national emergency or war, in such manner and  
19 upon such terms and conditions as the Commission shall by  
20 regulation prescribe, and without the filing of a formal  
21 application, but no authorization so granted shall continue  
22 in effect beyond the period of the emergency or war requir-  
23 ing it:".

24 (b) The first sentence of subsection (b) of section 308  
25 of such Act is amended by striking out the words "All such

1 applications shall set forth" and inserting in lieu thereof  
 2 "All applications for station licenses, or modifications or  
 3 renewals thereof, shall set forth":

4 (c) Section 308 of such Act is amended by adding  
 5 at the end thereof the following subsection:

6 "(d) The Commission shall not make or promulgate  
 7 any rule or regulation, of substance or procedure, the pur-  
 8 pose or result of which is to effect a discrimination between  
 9 persons based upon interest in, association with, or owner-  
 10 ship of any medium primarily engaged in the gathering  
 11 and dissemination of information and no application for  
 12 a construction permit or station license, or for the renewal,  
 13 modification, or transfer of such a permit or license, shall  
 14 be denied by the Commission solely because of any such  
 15 interest, association, or ownership."

16 SEC. 8. Section 309 of such Act is amended to read  
 17 as follows:

18 "ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS  
 19 ATTACHED TO LICENSES

20 "SEC. 309. (a) If upon examination of any application  
 21 provided for in section 308 the Commission shall find that  
 22 public interest, convenience, and necessity would be served  
 23 by the granting thereof, it shall grant such application.

24 (b) If upon examination of any such application the  
 25 Commission is unable to make the finding specified in sub-

1 section (a), it shall forthwith notify the applicant and  
2 other known parties in interest of the grounds and  
3 reasons for its inability to make such finding. Such  
4 notice, which shall precede formal designation for a hearing,  
5 shall advise the applicant and all other known parties in  
6 interest of all objections made to the application as well as  
7 the source and nature of such objections. Following such  
8 notice, the applicant shall be given an opportunity to reply.  
9 If the Commission, after considering such reply, shall be  
10 unable to make the finding specified in subsection (a),  
11 it shall formally designate the application for hearing  
12 on the grounds or reasons then obtaining and shall  
13 notify the applicant and all other known parties in  
14 interest of such action and the grounds and reasons therefor,  
15 specifying with particularity the matters and things in issue  
16 but not including issues or requirements phrased generally.  
17 The parties in interest, if any, who are not notified by the  
18 Commission of its action with respect to a particular applica-  
19 tion may acquire the status of a party to the proceeding  
20 thereon by filing a petition for intervention showing the basis  
21 for their interest at any time not less than ten days prior to  
22 the date of hearing. Any hearing subsequently held upon  
23 such application shall be a full hearing in which the appli-  
24 cant and all other parties in interest shall be permitted to  
25 participate but in which both the burden of proceeding with

1 the introduction of evidence upon any issue specified by the  
2 Commission, as well as the burden of proof upon all such  
3 issues, shall be upon the applicant.

4       “(c) When any instrument of authorization is granted  
5 by the Commission without a hearing as provided in subsec-  
6 tion (a) hereof, such grant shall remain subject to protest as  
7 hereinafter provided for a period of thirty days. During  
8 such thirty-day period any party in interest may file a pro-  
9 test under oath directed to such grant and request a hearing  
10 on said application so granted. Any protest so filed shall  
11 contain such allegations of fact as will show the protestant  
12 to be a party in interest and shall specify with particularity  
13 the facts, matters, and things relied upon, but shall not in-  
14 clude issues or allegations phrased generally. The Commis-  
15 sion shall, within fifteen days from the date of the filing of  
16 such protest, enter findings as to whether such protest meets  
17 the foregoing requirements and if it so finds the application  
18 involved shall be set for hearing upon the issues set forth  
19 in said protest, together with such further specific issues, if  
20 any, as may be prescribed by the Commission. In any hear-  
21 ing subsequently held upon such application all issues speci-  
22 fied by the Commission shall be tried in the same manner  
23 provided in subsection (b) hereof, but with respect to all

1 issues set forth in the protest and not specifically adopted by  
2 the Commission, both the burden of proceeding with the  
3 introduction of evidence and the burden of proof shall be  
4 upon the protestant. The hearing and determination of  
5 cases arising under this subsection shall be expedited by the  
6 Commission and pending hearing and decision the effective  
7 date of the Commission's action to which protest is made  
8 shall be postponed to the effective date of the Commission's  
9 decision after hearing, unless the authorization involved is  
10 necessary to the maintenance or conduct of an existing  
11 service, in which event the Commission shall authorize the  
12 applicant to utilize the facilities or authorization in question  
13 pending the Commission's decision after hearing.

14       “(d) Such station licenses as the Commission may  
15 grant shall be in such general form as it may prescribe, but  
16 each license shall contain, in addition to other provisions, a  
17 statement of the following conditions to which such license  
18 shall be subject: (1) The station license shall not vest in  
19 the licensee any right to operate the station nor any right in  
20 the use of the frequencies designated in the license beyond  
21 the term thereof nor in any other manner than authorized  
22 therein; (2) neither the license nor the right granted there-  
23 under shall be assigned or otherwise transferred in violation

1 of this Act; (3) every license issued under this Act shall be  
2 subject in terms to the right of use or control conferred by  
3 section 606 hereof."

4 SEC. 9. Subsection (b) of section 310 of said Act is  
5 amended to read as follows:

6 "(b) No construction permit or station license, or  
7 any rights thereunder, shall be transferred, assigned,  
8 or disposed of in any manner, voluntarily or in-  
9 voluntarily, directly or indirectly, or by transfer of  
10 control of any corporation holding such permit or license,  
11 to any person except upon application to the Commission and  
12 upon finding by the Commission that the public interest, con-  
13 venience and necessity will be served thereby. Any such  
14 application shall be disposed of as if the proposed transferee  
15 or assignee were making application under section 308 for  
16 the permit or license in question; but in acting thereon the  
17 Commission may not consider whether the public interest,  
18 convenience, and necessity might be served by the transfer,  
19 assignment, or disposal of the permit or license to a person  
20 other than the proposed transferee or assignee."

21 SEC. 10. Section 312 of such Act is amended to read as  
22 follows:

## 1                   “ADMINISTRATIVE SANCTIONS

2           “SEC. 312. (a) *Any station license may be revoked, or*  
3 *may be suspended for a period not to exceed ninety days, and*  
4 *any construction permit may be revoked—*

5           “*(1) for false statements knowingly made either in*  
6 *the application or in any statement of fact which may*  
7 *be required pursuant to section 308;*

8           “*(2) because of conditions coming to the attention*  
9 *of the Commission which would warrant it in refusing to*  
10 *grant a license or permit on an original application;*

11           “*(3) for willful or repeated failure to operate sub-*  
12 *stantially as set forth in the license;*

13           “*(4) for willful or repeated violation of, or willful*  
14 *or repeated failure to observe, any provision of this Act*  
15 *or any rule or regulation of the Commission authorized*  
16 *by this Act or by a treaty ratified by the United States;*  
17 *and*

18           “*(5) for violation of or failure to observe any cease*  
19 *and desist order issued by the Commission under this*  
20 *section.*

21           “*(b) Where any person (1) has failed to operate sub-*  
22 *stantially as set forth in a license, or (2) has violated or*

1 failed to observe any of the provisions of this Act, or  
2 (3) has violated or failed to observe any rule or regulation  
3 of the Commission authorized by this Act or by a treaty  
4 ratified by the United States, the Commission may order such  
5 person to cease and desist from such action.

6       “(c) Before revoking or suspending a license or revok-  
7 ing a permit pursuant to subsection (a), or issuing a cease  
8 and desist order pursuant to subsection (b), the Commission  
9 shall serve upon the licensee, permittee, or person involved  
10 an order to show cause why an order of revocation or suspen-  
11 sion or a cease and desist order should not be issued. Any  
12 such order to show cause shall contain a statement of the  
13 matters with respect to which the Commission is inquiring and  
14 shall call upon said licensee, permittee, or person to appear  
15 before the Commission at a time and place stated in the order,  
16 but in no event less than thirty days after the receipt of such  
17 order, and give evidence upon the matter specified therein;  
18 except that where safety of life or property is involved, the  
19 Commission may provide in the order for a shorter period.  
20 If after hearing, or a waiver thereof, the Commission deter-  
21 mines that an order of revocation or suspension or a cease and  
22 desist order should issue, it shall issue such order, which shall  
23 include a statement of the findings of the Commission and  
24 the grounds and reasons therefor and specify the effective

1 date of the order, and shall cause the same to be served on  
2 said licensee, permittee, or person.

3       “(d) Except insofar as other provisions of this Act pro-  
4 vide for specific forfeitures, in any case where subsection (a)  
5 or (b) of this section authorizes the revocation or suspension  
6 of a license, the revocation of a construction permit, or the  
7 issuance of a cease and desist order, and in any case where  
8 section 303 (m) of this Act provides for the suspension of an  
9 operator’s license, the Commission may, in lieu of revoking  
10 or suspending the license, or revoking the permit, or issuing  
11 the cease and desist order, or in addition to issuing the cease  
12 and desist order, direct the payment of a forfeiture to the  
13 United States of the sum of \$500 for each day during which  
14 any offense specified in subsection (a) or (b) of this section,  
15 or in section 303 (m), occurred, or such lesser sum as the  
16 Commission may find appropriate in the light of all of the  
17 facts and circumstances of the particular case. Before the  
18 imposition of any forfeiture herein provided for, the Com-  
19 mission shall serve a notice of apparent liability for the  
20 forfeiture of a specific sum of money, which sum may be  
21 determined by the Commission on the basis of information  
22 then before it. Such notice shall give a reasonable oppor-  
23 tunity to apply for a hearing, or, if a hearing is waived,  
24 to submit a written request for remission, or reduction in

1 the amount, of the forfeiture, such written request to be sup-  
2 ported by a statement of the facts warranting remission or  
3 reduction. The Commission, upon final determination of  
4 the amount of any forfeiture, shall give notice thereof and  
5 specify the time, not less than thirty days after receipt of  
6 notice, within which to pay such sum into the Treasury of  
7 the United States. If not paid within the period specified,  
8 suit may be brought as provided in section 504 of this Act  
9 for recovery of a forfeiture. In any case where the Com-  
10 mission has served an order to show cause pursuant to sub-  
11 section (c) of this section, the Commission, after hearing or  
12 waiver thereof as therein provided, may, in lieu of revoking  
13 or suspending a license, or revoking a permit, or issuing a  
14 cease and desist order, or in addition to issuing a cease and  
15 desist order, in such proceeding, impose the forfeiture pro-  
16 vided for in this subsection. If a hearing is waived, a reason-  
17 able opportunity shall be given to submit a written request  
18 for remission, or reduction in the amount of the forfeiture,  
19 supported by a statement of the facts warranting remission  
20 or reduction. Any forfeiture ordered after the service of an  
21 order to show cause shall be collected as provided above.

22       “(e) In any case where a hearing is conducted pursuant  
23 to the provisions of this section, both the burden of proceed-

1 *ing with the introduction of evidence and the burden of proof*  
2 *shall be upon the Commission.*

3 *“(f) The provisions of section 9 (b) of the Administra-*  
4 *tive Procedure Act which apply with respect to the institution*  
5 *of any proceeding for the suspension or revocation of a*  
6 *license or permit shall apply also with respect to the institu-*  
7 *tion, under this section, of any proceeding for the issuance*  
8 *of a cease and desist order or for the imposition of a*  
9 *forfeiture.”*

10 *SEC. 11. Such Act is amended by adding after section*  
11 *315 the following section:*

12 *“MODIFICATION BY COMMISSION OF CONSTRUCTION*  
13 *PERMITS OR LICENSES*

14 *“SEC. 316. (a) Any station license or construction*  
15 *permit may be modified by the Commission either for a*  
16 *limited time or for the duration of the term thereof, if in*  
17 *the judgment of the Commission such action will promote*  
18 *the public interest, convenience, and necessity, or the pro-*  
19 *visions of this Act or of any treaty ratified by the United*  
20 *States will be more fully complied with. No such order*  
21 *of modification shall become final until the holder of the license*  
22 *or permit shall have been notified in writing of the proposed*  
23 *action and the grounds and reasons therefor, and shall have*

1 been given reasonable opportunity, in no event less than  
2 thirty days, to show cause by public hearing, if requested,  
3 why such order of modification should not issue: Provided,  
4 That where safety of life or property is involved, the Commis-  
5 sion may by order provide for a shorter period of notice.

6 “(b) In any case where a hearing is conducted pur-  
7 suant to the provisions of this section, both the burden of  
8 proceeding with the introduction of evidence and the burden  
9 of proof shall be upon the Commission.”

10 SEC. 12. (a) The first sentence of subsection (a) of  
11 section 319 of such Act is amended by striking out the words  
12 “upon written application therefor”.

13 (b) Subsection (a) of section 319 of such Act is  
14 amended by striking out the second sentence thereof, and the  
15 third sentence thereof is amended by striking out “This  
16 application shall set forth” and inserting in lieu thereof  
17 “The application for a construction permit shall set forth”.

18 (c) Subsection (b) of section 319 of such Act is amended  
19 by striking out the second sentence thereof.

20 (d) Such section 319 is amended by striking out the  
21 last two sentences of subsection (b) thereof, and by inserting  
22 at the end of such section the following subsection:

23 “(c) Upon the completion of any station for the con-  
24 struction or continued construction of which a permit has  
25 been granted, and upon it being made to appear to the

1. Commission that all the terms, conditions, and obligations set  
2 forth in the application and permit have been fully met, and  
3 that no cause or circumstance arising or first coming to the  
4 knowledge of the Commission since the granting of the permit  
5 would, in the judgment of the Commission, make the opera-  
6 tion of such station against the public interest, the Commission  
7 shall issue a license to the lawful holder of said permit for  
8 the operation of said station. Said license shall conform gen-  
9 erally to the terms of said permit. The provisions of section  
10 309 (a), (b), and (c) shall not apply with respect to any  
11 station license the issuance of which is provided for and  
12 governed by the provisions of this subsection.”

13 SEC. 13. Section 402 of such Act is amended to read  
14 as follows:

15 “PROCEEDINGS TO ENJOIN, SET ASIDE, ANNUL, OR SUS-  
16 PEND ORDERS OF THE COMMISSION

17 “SEC. 402. (a) Any proceeding to enjoin, set aside,  
18 annul, or suspend any order of the Commission under this  
19 Act (except those appealable under subsection (b) of this  
20 section) shall be brought as provided by and in the manner  
21 prescribed in Public Law 901, Eighty-first Congress,  
22 approved December 29, 1950.

23 “(b) Appeals may be taken from decisions and orders  
24 of the Commission to the United States Court of Appeals  
25 for the District of Columbia in any of the following cases:

1           “(1) *By any applicant for a construction permit*  
2           *or station license, whose application is denied by the*  
3           *Commission.*

4           “(2) *By any applicant for the renewal or modi-*  
5           *fication of any such instrument of authorization whose*  
6           *application is denied by the Commission.*

7           “(3) *By any party to an application for authority*  
8           *to transfer, assign, or dispose of any such instrument*  
9           *of authorization, or any rights thereunder, whose appli-*  
10           *cation is denied by the Commission.*

11           “(4) *By any applicant for the permit required by*  
12           *section 325 of this Act whose application has been denied*  
13           *by the Commission, or by any permittee under said*  
14           *section whose permit has been revoked by the Commission.*

15           “(5) *By the holder of any construction permit or*  
16           *station license which has been modified, suspended, or*  
17           *revoked by the Commission.*

18           “(6) *By any other person who is aggrieved or*  
19           *whose interests are adversely affected by any order of*  
20           *the Commission granting or denying any application*  
21           *described in paragraphs (1), (2), (3), and (4)*  
22           *hereof.*

23           “(7) *By any person upon whom an order to cease*  
24           *and desist has been served under section 312 of this*  
25           *Act.*

1           “(8) *By any radio operator whose license has been*  
2           *suspended by the Commission.*

3           “(c) *Such appeal shall be taken by filing a notice of*  
4 *appeal with the court within thirty days from the date upon*  
5 *which public notice is given of the decision or order com-*  
6 *plained of. Such notice of appeal shall contain a concise*  
7 *statement of the nature of the proceedings as to which the*  
8 *appeal is taken; a concise statement of the reasons on which*  
9 *the appellant intends to rely, separately stated and numbered;*  
10 *and proof of service of a true copy of said notice and*  
11 *statement upon the Commission. Upon filing of such notice,*  
12 *the court shall have jurisdiction of the proceedings and of*  
13 *the questions determined therein and shall have power, by*  
14 *order, directed to the Commission or any other party to*  
15 *the appeal, to grant such temporary relief as it may deem*  
16 *just and proper. Orders granting temporary relief may*  
17 *be either affirmative or negative in their scope and applica-*  
18 *tion so as to permit either the maintenance of the status quo*  
19 *in the matter in which the appeal is taken or the restora-*  
20 *tion of a position or status terminated or adversely affected*  
21 *by the order appealed from and shall, unless otherwise or-*  
22 *dered by the court, be effective pending hearing and deter-*  
23 *mination of said appeal and compliance by the Commission*  
24 *with the final judgment of the court rendered in said appeal.*

25           “(d) *Upon the filing of any such notice of appeal the*

1 Commission shall, not later than five days after the date  
2 of service upon it, notify each person shown by the records  
3 of the Commission to be interested in said appeal of the  
4 filing and pendency of the same and shall thereafter permit  
5 any such person to inspect and make copies of said notice  
6 and statement of reasons therefor at the office of the Com-  
7 mission in the city of Washington. Within thirty days after  
8 the filing of an appeal, the Commission shall file with the  
9 court a copy of the order complained of, a full statement in  
10 writing of the facts and grounds relied upon by it in support  
11 of the order involved upon said appeal, and the originals or  
12 certified copies of all papers and evidence presented to and  
13 considered by it in entering said order.

14       “(e) Within thirty days after the filing of any such  
15 appeal any interested person may intervene and participate  
16 in the proceedings had upon said appeal by filing with the  
17 court a notice of intention to intervene and a verified state-  
18 ment showing the nature of the interest of such party, together  
19 with proof of service of true copies of said notice and state-  
20 ment, both upon appellant and upon the Commission. Any  
21 person who would be aggrieved or whose interest would be  
22 adversely affected by a reversal or modification of the order  
23 of the Commission complained of shall be considered an  
24 interested party.

25       “(f) The record and briefs upon which any such appeal

1 shall be heard and determined by the court shall contain  
2 such information and material, and shall be prepared within  
3 such time and in such manner as the court may by rule  
4 prescribe.

5       “(g) At the earliest convenient time the court shall hear  
6 and determine the appeal upon the record before it in the  
7 manner prescribed by section 10 (e) of the Administrative  
8 Procedure Act.

9       “(h) In the event that the court shall render a decision  
10 and enter an order reversing the order of the Commission,  
11 it shall remand the case to the Commission to carry out the  
12 judgment of the court and it shall be the duty of the Com-  
13 mission, in the absence of the proceedings to review such  
14 judgment, to forthwith give effect thereto, and unless other-  
15 wise ordered by the court, to do so upon the basis of the  
16 proceedings already had and the record upon which said  
17 appeal was heard and determined.

18       “(i) The court may, in its discretion, enter judgment  
19 for costs in favor of or against an appellant, or other inter-  
20 ested parties intervening in said appeal, but not against the  
21 Commission, depending upon the nature of the issues in-  
22 volved upon said appeal and the outcome thereof.

23       “(j) The court's judgment shall be final, subject, how-  
24 ever, to review by the Supreme Court of the United States  
25 upon writ of certiorari on petition therefor under section

1 1254 of title 28 of the United States Code, by the appellant,  
2 by the Commission, or by any interested party intervening  
3 in the appeal, or by certification by the court pursuant to the  
4 provisions of that section.”

5 SEC. 14. Section 405 of such Act is amended to read  
6 as follows:

7 “REHEARINGS BEFORE COMMISSION

8 “SEC. 405. After a decision, order, or requirement has  
9 been made by the Commission in any proceeding, any party  
10 thereto, or any other person aggrieved or whose interests  
11 are adversely affected thereby, may petition for rehear-  
12 ing; and it shall be lawful for the Commission, in its  
13 discretion, to grant such a rehearing if sufficient reason  
14 therefor be made to appear. Petitions for rehearing  
15 must be filed within thirty days from the date upon  
16 which public notice is given of any decision, order, or  
17 requirement complained of. No such application shall  
18 excuse any person from complying with or obeying any  
19 decision, order, or requirement of the Commission,  
20 or operate in any manner to stay or postpone the  
21 enforcement thereof, without the special order of the  
22 Commission. The filing of a petition for rehearing shall  
23 not be a condition precedent to judicial review of any such  
24 decision, order, or requirement, except where the party seek-  
25 ing such review (1) was not a party to the proceedings

1 resulting in such decision, order, or requirement, or (2)  
2 relies on questions of fact or law upon which the  
3 Commission has been afforded no opportunity to pass.  
4 Rehearings shall be governed by such general rules  
5 as the Commission may establish. The time within which  
6 a petition for review must be filed in a proceeding to which  
7 section 402 (a) applies, or within which an appeal must be  
8 taken under section 402 (b), shall be computed from the date  
9 upon which public notice is given of orders disposing of all  
10 petitions for rehearing filed in any case, but any decision,  
11 order, or requirement made after such rehearing reversing,  
12 changing, or modifying the original order shall be subject  
13 to the same provisions with respect to rehearing as an origi-  
14 nal order.”

15       SEC. 15. (a) Section 409 (a) of such Act is amended  
16 to read as follows:

17       “SEC. 409. (a) In every case of adjudication (as  
18 defined in the Administrative Procedure Act) which has  
19 been designated for a hearing by the Commission, the hear-  
20 ing shall be conducted by the Commission or by one or more  
21 examiners provided for in section 11 of the Administrative  
22 Procedure Act, designated by the Commission.

23       “(b) The officer or officers conducting a hearing to  
24 which subsection (a) applies shall prepare and file an  
25 initial decision, except where the hearing officer becomes

1 unavailable to the Commission or where the Commission  
2 finds upon the record that due and timely execution of its  
3 functions imperatively and unavoidably require that the  
4 record be certified to the Commission for initial or final  
5 decision. In all such cases the Commission shall permit  
6 the filing of exceptions to such initial decision by any party  
7 to the proceeding and shall, upon request, hear oral argu-  
8 ment on such exceptions before the entry of any final de-  
9 cision, order, or requirement. All decisions, including the  
10 initial decision, shall become a part of the record and shall  
11 include a statement of (1) findings and conclusions, as well  
12 as the basis therefor, upon all material issues of fact, law,  
13 or discretion, presented on the record; and (2) the appro-  
14 priate decision, order, or requirement.

15       “(c) (1) In any case of adjudication (as defined in  
16 the Administrative Procedure Act) which has been designated  
17 for a hearing by the Commission, no examiner conducting  
18 or participating in the conduct of such hearing shall, except  
19 to the extent required for the disposition of ex parte matters  
20 as authorized by law, consult any person (except another  
21 examiner participating in the conduct of such hearing) on  
22 any fact or question of law in issue, unless upon notice and  
23 opportunity for all parties to participate. In the perform-  
24 ance of his duties, no such examiner shall be responsible to  
25 or subject to the supervision or direction of any person en-

1 gaged in the performance of investigative, prosecutory, or  
2 other functions for the Commission or any other agency of  
3 the Government. No examiner conducting or participating  
4 in the conduct of any such hearing shall advise or consult  
5 with the Commission or any member or employee of the Com-  
6 mission (except another examiner participating in the conduct  
7 of such hearing) with respect to the initial decision in the  
8 case or with respect to exceptions taken to the findings, rulings,  
9 or recommendations made in such case.

10       “(2) In any case of adjudication (as defined in the  
11 Administrative Procedure Act) which has been designated  
12 for a hearing by the Commission, no commissioner, and no  
13 professional assistant appointed by a commissioner as au-  
14 thorized by section 4 (f) (2), shall (except to the extent  
15 required for the disposition of *ex parte* matters as authorized  
16 by law) consult on any fact or question of law in issue, or  
17 receive any recommendations from, any other person, unless  
18 upon notice and opportunity for all parties to participate;  
19 except that the foregoing provisions of this paragraph—

20               “(A) shall not restrict consultation, or the making  
21 of recommendations, between a commissioner and another  
22 commissioner or commissioners or between a commissioner  
23 and the professional assistant appointed by him under  
24 authority of section 4 (f) (2); and

25               “(B) shall not restrict commissioners in obtaining

1 from members of the review staff the limited assistance  
2 authorized by section 5 (c).

3 “(3) No person or persons engaged in the performance  
4 of investigative or prosecuting functions for the Commission,  
5 or in any litigation before any court in any case arising  
6 under this Act, shall advise, consult, or participate in any  
7 case of adjudication (as defined in the Administrative Pro-  
8 cedure Act) which has been designated for a hearing by the  
9 Commission, except as a witness or counsel in public  
10 proceedings.

11 “(d) To the extent that the foregoing provisions of this  
12 section are in conflict with provisions of the Administra-  
13 tive Procedure Act, such provisions of this section shall be  
14 held to supersede and modify the provisions of that Act.”

15 (b) Subsections (b), (c), (d), (e), (f), (g), (h),  
16 (i), and (j) of section 409 are hereby redesignated as subsec-  
17 tions (e), (f), (g), (h), (i), (j), (k), (l), and (m),  
18 respectively.

19 SEC. 16. Section 410 (a) of such Act is amended by  
20 striking out the first sentence thereof, and by inserting in  
21 lieu of such sentence the following: “Except as provided in  
22 section 409, the Commission may refer any matter arising  
23 in the administration of this Act to a joint board to be com-  
24 posed of a member, or of an equal number of members, as  
25 determined by the Commission, from each of the States in

1 *which the wire or radio communication affected by or in-*  
2 *olved in the proceeding takes place or is proposed. For*  
3 *purposes of acting upon such matter any such board shall*  
4 *have all the jurisdiction and powers conferred by law upon*  
5 *the Commission, and shall be subject to the same duties and*  
6 *obligations."*

7       *SEC. 17. This Act shall take effect on the first day of the*  
8 *first month which begins more than sixty days after the date*  
9 *of its enactment, but—*

10       *(1) Insofar as the amendments made by this Act to the*  
11 *Communications Act of 1934 provide for procedural*  
12 *changes, requirements imposed by such changes shall not be*  
13 *mandatory as to any agency proceeding (as defined in the*  
14 *Administrative Procedure Act) initiated prior to the date*  
15 *on which this Act takes effect.*

16       *(2) The amendments made by this Act to section 402*  
17 *of the Communications Act of 1934 (relating to judicial*  
18 *review of orders and decisions of the Commission) shall not*  
19 *apply with respect to any action or appeal which is pending*  
20 *before any court on the date on which this Act takes effect.*

Passed the Senate February 5 (legislative day, January  
29), 1951.

Attest:

LESLIE L. BIFFLE,

*Secretary.*

Union Calendar No. 559

82<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 658**

[Report No. 1750]

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**AN ACT**

To further amend the Communications Act  
of 1934.

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FEBRUARY 6, 1951

Referred to the Committee on Interstate and Foreign  
Commerce

APRIL 8, 1952

Reported with an amendment, committed to the Com-  
mittee of the Whole House on the State of the  
Union, and ordered to be printed