

Union Calendar No. 311

85TH CONGRESS
1ST SESSION

H. R. 6788

[Report No. 842]

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1957

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

JULY 23, 1957

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

[Omit the part struck through and insert the part printed in italic]

A BILL

To authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the analysis of chapter 133 of title 28 of the United
4 States Code, immediately preceding section 2101 of such
5 title, is amended by inserting at the end thereof the following
6 additional item:

“2112. Record on review and enforcement of agency orders.”

1 “SEC. 2. Chapter 133 of title 28 of the United States
2 Code is amended by inserting at the end of such chapter im-
3 mediately following section 2111 an additional section, as
4 follows:

5 “§ 2112. Record on review and enforcement of agency orders

6 “(a) The several courts of appeals shall have power
7 to adopt, with the approval of the Judicial Conference of the
8 United States, ~~rules~~ *rules, which so far as practicable shall be*
9 *uniform in all such courts* prescribing the time and manner of
10 filing and the contents of the record in all proceedings insti-
11 tuted in the courts of appeals to enjoin, set aside, suspend,
12 modify, or otherwise review or enforce orders of administrative
13 agencies, boards, commissions, and officers, ~~in which~~ *to the ex-*
14 *tent that* the applicable statute does not specifically prescribe
15 such time or manner of filing or contents of the record. Such
16 rules may authorize the agency, board, commission, or officer
17 to file in the court a certified list of the materials comprising
18 the record and retain and hold for the court all such materials
19 and transmit the same or any part thereof to the court, when
20 and as required by it, at any time prior to the final determi-
21 nation of the proceeding, *and such filing of such certified list*
22 *of the materials comprising the record and such subsequent*
23 *transmittal of any such materials when and as required shall*
24 *be deemed full compliance with any provision of law requir-*
25 *ing the filing of the record in the court.* The record in such

1 proceedings shall be certified and filed in or held for *and*
2 *transmitted to* the court of appeals by the agency, board,
3 commission, or officer concerned within the time and in the
4 manner prescribed by such rules. If proceedings have been
5 instituted in two or more courts of appeals with respect to the
6 same order the agency, board, commission, or officer con-
7 cerned shall file the record in that one of such courts in which
8 ~~in its judgment the proceedings may be carried on with the~~
9 ~~greatest convenience to all the partes involved a proceeding~~
10 *with respect to such order was first instituted.* The other
11 courts in which such proceedings are pending shall thereupon
12 transfer them to the court of appeals in which the record has
13 been filed. *For the convenience of the parties in the interest of*
14 *justice such court may thereafter transfer all the proceedings*
15 *with respect to such order to any other court of appeals.*

16 “(b) The record to be filed in the court of appeals in
17 such a proceeding shall consist of the order sought to be re-
18 viewed or enforced, the findings or report upon which it is
19 based, and the pleadings, evidence, and proceedings before
20 the agency, board, commission, or officer concerned, or such
21 portions thereof (1) as the said rules of the court of appeals
22 may require to be included therein, or (2) as the agency,
23 board, commission, or officer concerned, the petitioner for
24 review or respondent in enforcement, as the case may be,
25 and any intervenor in the court proceeding by written stip-

1 ulation filed with the agency, board, commission, or officer
2 concerned or in the court in any such proceeding may con-
3 sistently with the rules of such court designate to be included
4 therein, or (3) as the court upon motion of a party or, after
5 a prehearing conference, upon its own motion may by order
6 in any such proceeding designate to be included therein.
7 Such a stipulation or order may provide in an appropriate case
8 that no record need be filed in the court of appeals. If, how-
9 ever, the correctness of a finding of fact by the agency, board,
10 commission, or officer is in question all of the evidence before
11 the agency, board, commission, or officer shall be included in
12 the record except such as the agency, board, commission, or
13 officer concerned, the petitioner for review or respondent in
14 enforcement, as the case may be, and any intervenor in the
15 court proceeding by written stipulation filed with the agency,
16 board, commission, or officer concerned or in the court agree
17 to omit as wholly immaterial to the questioned finding. If
18 there is omitted from the record any portion of the proceed-
19 ings before the agency, board, commission, or officer which
20 the court subsequently determines to be ~~necessary~~ *proper* for
21 it to consider to enable it to review or enforce the order in
22 question the court may direct that such additional portion
23 of the proceedings be filed as a supplement to the record.
24 If the rules of the court of appeals in which a proceeding
25 is pending do not require the printing of the entire record

1 ~~in that court the~~ *The* agency, board, commission, or officer
2 concerned may, at its option and without regard to the fore-
3 going provisions of this subsection, *and if so requested by*
4 *the petitioner for review or respondent in enforcement shall,*
5 file in the court the entire record of the proceedings before
6 it without abbreviation.

7 “(c) The agency, board, commission, or officer con-
8 cerned may transmit to the court of appeals the original
9 papers comprising the whole or any part of the record or
10 any supplemental record, otherwise true copies of such papers
11 certified by an authorized officer or deputy of the agency,
12 board, commission, or officer concerned shall be transmitted.
13 Any original papers thus transmitted to the court of appeals
14 shall be returned to the agency, board, commission, or officer
15 concerned upon the final determination of the review or
16 enforcement proceeding. Pending such final determination
17 any such papers may be returned by the court temporarily to
18 the custody of the agency, board, commission, or officer con-
19 cerned if needed for the transaction of the public business.
20 Certified copies of any papers included in the record or any
21 supplemental record may also be returned to the agency,
22 board, commission, or officer concerned upon the final deter-
23 mination of review ~~proceedings.~~ *or enforcement proceedings.*

24 “(d) *The provisions of this section are not applicable to*
25 *proceedings to review decisions of the Tax Court of the United*

1 *States or to proceedings to review or enforce those orders of*
2 *administrative agencies, boards, commissions, or officers which*
3 *are by law reviewable or enforceable by the district courts.”*

4 SEC. 3. (a) The sixth sentence of subsection (b) of
5 section 5 of the Federal Trade Commission Act, as amended
6 (52 Stat. 112), is amended to read as follows: “Until the
7 expiration of the time allowed for filing a petition for review,
8 if no such petition has been duly filed within such time, or, if
9 a petition for review has been filed within such time then
10 until the record in the proceeding has been filed in a court
11 of appeals of the United States, as hereinafter provided, the
12 Commission may at any time, upon such notice and in such
13 manner as it shall deem proper, modify or set aside, in whole
14 or in part, any report or any order made or issued by it
15 under this section.”

16 (b) The second and third sentences of subsection (c)
17 of section 5 of the Federal Trade Commission Act, as
18 amended (52 Stat. 112-113), are amended to read as fol-
19 lows: “A copy of such petition shall be forthwith trans-
20 mitted by the clerk of the court to the Commission, and
21 thereupon the Commission shall file in the court the record
22 in the proceeding, as provided in section 2112 of title 28,
23 United States Code. Upon such filing of the petition the
24 court shall have jurisdiction of the proceeding and of the

1 question determined therein *concurrently with the Commis-*
2 *sion until the filing of the record* and shall have power to
3 make and enter a decree affirming, modifying, or setting
4 aside the order of the Commission, and enforcing the same
5 to the extent that such order is affirmed and to issue such
6 writs as are ancillary to its jurisdiction or are necessary in
7 its judgment to prevent injury to the public or to com-
8 petitors *pendente lite.*”

9 (c) Subsection (d) of section 5 of the Federal Trade
10 Commission Act, as amended (52 Stat. 113), is amended
11 to read as follows:

12 “(d) Upon the filing of the record with it the jurisdic-
13 tion of the court of appeals of the United States to affirm,
14 enforce, modify, or set aside orders of the Commission shall
15 be exclusive.”

16 SEC. 4. (a) The sixth sentence of the second paragraph
17 of section 11 of the Act of October 15, 1914, as amended
18 (64 Stat. 1127), is amended to read as follows: “Until the
19 record in such hearing shall have been filed in a United
20 States court of appeals, as hereinafter provided, the Commis-
21 sion or Board may at any time, upon such notice, and in such
22 manner as it shall deem proper, modify or set aside, in whole
23 or in part, any report or any order made or issued by it
24 under this section.”

1 (b) The first and second sentences of the third para-
2 graph of section 11 of the Act of October 15, 1914, as
3 amended (64 Stat. 1127), are amended to read as follows:
4 “If such person fails or neglects to obey such order of the
5 Commission or Board while the same is in effect, the Com-
6 mission or Board may apply to the United States court of
7 appeals, within any circuit where the violation complained
8 of was or is being committed or where such person resides
9 or carries on business, for the enforcement of its order, and
10 shall file the record in the proceeding, as provided in section
11 2112 of title 28, United States Code. Upon such filing of
12 the application the court shall cause notice thereof to be
13 served upon such person, and thereupon shall have jurisdic-
14 tion of the proceeding and of the question determined therein
15 *concurrently with the Commission or Board until the filing*
16 *of the record*, and shall have power to make and enter a
17 decree affirming, modifying, or setting aside the order of
18 the Commission or Board.”

19 (c) The second and third sentences of the fourth para-
20 graph of section 11 of the Act of October 15, 1914, as
21 amended (64 Stat. 1128), are amended to read as follows:
22 “A copy of such petition shall be forthwith transmitted by
23 the clerk of the court to the Commission or Board and
24 thereupon the Commission or Board shall file in the court

1 the record in the proceeding, as provided in section 2112
2 of title 28, United States Code. Upon the filing of such
3 petition the court shall have the same jurisdiction to affirm,
4 set aside, or modify the order of the Commission or Board
5 as in the case of an application by the Commission or Board
6 for the enforcement of its order, and the findings of the
7 Commission or Board as to the facts, if supported by sub-
8 stantial evidence, determined as provided in section 10 (e)
9 of the Administrative Procedure Act, shall in like manner
10 be conclusive.”

11 (d) The fifth paragraph of section 11 of the Act of
12 October 15, 1914, as amended (64 Stat. 1128), is amended
13 to read as follows:

14 “Upon the filing of the record with it the jurisdiction
15 of the United States court of appeals to enforce, set aside,
16 or modify orders of the Commission or Board shall be
17 exclusive.”

18 SEC. 5. The fourth and fifth sentences of the first para-
19 graph of section 2 of the Act of July 28, 1916 (39 Stat.
20 425), are amended to read as follows: “A copy of such
21 petition shall be forthwith transmitted by the clerk of the
22 court to the Post Office Department and thereupon the said
23 Department shall file in the court the record, as provided

1 in section 2112 of title 28, United States Code. Upon the
2 filing of such petition the court shall have jurisdiction to
3 affirm, set aside or modify the order of the Department.”

4 SEC. 6. (a) Subsection (c) of section 203 of the
5 Packers and Stockyards Act, 1921 (42 Stat. 162), is
6 amended to read as follows:

7 “(c) Until the record in such hearing has been filed
8 in a court of appeals of the United States, as provided in
9 section 204, the Secretary at any time, upon such notice
10 and in such manner as he deems proper, but only after
11 reasonable opportunity to the packer to be heard, may
12 amend or set aside the report or order, in whole or in part.”

13 (b) Subsections ~~(b)~~ and ~~(c)~~ (b), (c), and (d) of
14 section 204 of the Packers and Stockyards Act, 1921 (42
15 Stat. 162), are amended to read as follows:

16 “(b) The clerk of the court shall immediately cause
17 a copy of the petition to be delivered to the Secretary, and
18 the Secretary shall thereupon file in the court the record
19 in such proceedings, as provided in section 2112 of title 28,
20 United States Code. If before such record is filed the
21 Secretary amends or sets aside his report or order, in whole
22 or in part, the petitioner may amend the petition within such
23 time as the court may determine, on notice to the Secretary.

24 “(c) At any time after such petition is filed, the court,
25 on application of the Secretary, may issue a temporary

1 injunction, restraining, to the extent it deems proper, the
2 packer and his officers, directors, agents, and employees,
3 from violating any of the provisions of the order pending
4 the final determination of the ~~appeal.~~ *appeal.*

5 “(d) *The evidence so taken or admitted, and filed as*
6 *aforesaid as a part of the record, shall be considered by the*
7 *court as the evidence in the case. The proceedings in such*
8 *cases in the court of appeals shall be made a preferred cause*
9 *and shall be expedited in every way.*”

10 (c) The first sentence of subsection (h) of section 204
11 of the Packers and Stockyards Act, 1921 (42 Stat. 162), is
12 amended to read as follows:

13 “(h) The court of appeals shall have jurisdiction, which
14 upon the filing of the record with it shall be exclusive, to re-
15 view, and to affirm, set aside, or modify, such orders of the
16 Secretary, and the decree of such court shall be final except
17 that it shall be subject to review by the Supreme Court of the
18 United States upon certiorari, as provided in section 1254 of
19 title 28, if such writ is duly applied for within sixty days
20 after entry of the decree.”

21 SEC. 7. (a) The ~~third sentence~~ *third and fourth sen-*
22 *tences* of paragraph (a) of section 6 of the Commodity
23 Exchange Act (42 Stat. 1001), *is are* amended to read
24 as follows: “The clerk of the court in which such a petition
25 is filed shall immediately cause a copy thereof to be de-

1 livered to the Secretary of Agriculture, Chairman of said
2 Commission, or any member thereof, and the said Com-
3 mission shall thereupon file in the court the record in such
4 proceedings, as provided in section 2112 of title 28, United
5 States Code. *The testimony and evidence taken or submitted*
6 *before the said Commission, duly filed as aforesaid as a part*
7 *of the record, shall be considered by the court as the evidence*
8 *in the case."*

9 (b) The seventh and eighth sentences of paragraph (b)
10 of section 6 of the Commodity Exchange Act (42 Stat.
11 1002), as amended, are amended to read as follows: "A
12 copy of such petition shall be forthwith transmitted by the
13 clerk of the court to the Secretary of Agriculture and there-
14 upon the Secretary of Agriculture shall file in the court the
15 record theretofore made, as provided in section 2112 of title
16 28, United States Code. Upon the filing of the petition the
17 court shall have jurisdiction to affirm, to set aside, or modify
18 the order of the Secretary of Agriculture, and the findings of
19 the Secretary of Agriculture as to the facts, if supported by
20 the weight of evidence, shall in like manner be conclusive."

21 SEC. 8. The third and fourth sentences of the second
22 paragraph of subsection (b) of section 641 of the Tariff Act
23 of 1930, as amended (49 Stat. 865), are amended to read
24 as follows: "A copy of such petition shall be forthwith

1 transmitted by the clerk of the court to the Secretary of the
2 Treasury, or any officer designated by him for that purpose,
3 and thereupon the Secretary of the Treasury shall file in the
4 court the record upon which the order complained of was
5 entered, as provided in section 2112 of title 28, United
6 States Code. Upon the filing of such petition such court
7 shall have exclusive jurisdiction to affirm, modify, or set
8 aside such order, in whole or in part.”

9 SEC. 9. The second sentence of subsection (a) of section
10 9 of the Securities Act of 1933 (48 Stat. 80) is amended
11 to read as follows: “A copy of such petition shall be forth-
12 with transmitted by the clerk of the court to the Commission,
13 and thereupon the Commission shall file in the court the
14 record upon which the order complained of was entered, as
15 provided in section 2112 of title 28, United States Code.”

16 SEC. 10. The second and third sentences of subsection
17 (a) of section 25 of the Securities Exchange Act of 1934
18 (48 Stat. 901) are amended to read as follows: “A copy
19 of such petition shall be forthwith transmitted by the clerk
20 of the court to any member of the Commission, and there-
21 upon the Commission shall file in the court the record upon
22 which the order complained of was entered, as provided in
23 section 2112 of title 28, United States Code. Upon the
24 filing of such petition such court shall have ~~exclusive juris-~~

1 ~~dition~~ jurisdiction, which upon the filing of the record shall
2 be exclusive, to affirm, modify, and enforce or set aside such
3 order, in whole or in part.”

4 SEC. 11. The third sentence of subsection (c) of sec-
5 tion 18 of the Act of June 18, 1934 (48 Stat. 1002), is
6 amended to read as follows: “The clerk of the court in which
7 such a petition is filed shall immediately cause a copy thereof
8 to be delivered to the Board and it shall thereupon file in the
9 court the record in the proceedings held before it under
10 this section, as provided in section 2112 of title 28, United
11 States Code.”

12 SEC. 12. The second sentence of subsection (d) of sec-
13 tion 402 of the Communications Act of 1934, as amended
14 (66 Stat. 719), is amended to read as follows: “Within
15 thirty days after the filing of an appeal, the Commission
16 shall file with the court the record upon which the order
17 complained of was entered, as provided in section 2112 of
18 title 28, United States Code.”

19 SEC. 13. (a) Subsection (d) of section 10 of the Na-
20 tional Labor Relations Act, as amended (61 Stat. 147),
21 is amended to read as follows:

22 “(d) Until the record in a case shall have been filed in
23 a court, as hereinafter provided, the Board may at any time
24 upon reasonable notice and in such manner as it shall deem

1 proper, modify or set aside, in whole or in part, any finding
2 or order made or issued by it.”

3 (b) The first, second, fifth and seventh sentences of
4 subsection (e) of section 10 of the National Labor Relations
5 Act, as amended (61 Stat. 147), are amended to read as
6 follows:

7 “(e) The Board shall have power to petition any court
8 of appeals of the United States, or if all the courts of appeals
9 to which application may be made are in vacation, any dis-
10 trict court of the United States, within any circuit or dis-
11 trict, respectively, wherein the unfair labor practice in ques-
12 tion occurred or wherein such person resides or transacts
13 business, for the enforcement of such order and for appro-
14 priate temporary relief or restraining order, and shall file in
15 the court the record in the proceedings, as provided in
16 section 2112 of title 28, United States Code. Upon the
17 filing of such petition, the court shall cause notice thereof
18 to be served upon such person, and thereupon shall have
19 jurisdiction of the proceeding and of the question determined
20 therein, and shall have power to grant such temporary relief
21 or restraining order as it deems just and proper, and to make
22 and enter a decree enforcing, modifying, and enforcing as
23 so modified, or setting aside in whole or in part the order
24 of the Board. * * * If either party shall apply to the

1 court for leave to adduce additional evidence and shall show
2 to the satisfaction of the court that such additional evidence
3 is material and that there were reasonable grounds for the
4 failure to adduce such evidence in the hearing before the
5 Board, its ~~members~~ *member*, agent, or agency, the court may
6 order such additional evidence to be taken before the Board,
7 its ~~members~~ *member*, agent, or agency, and to be made a part
8 of the record. * * * Upon the filing of the record with it the
9 jurisdiction of the court shall be exclusive and its judgment
10 and decree shall be final, except that the same shall be
11 subject to review by the appropriate United States court
12 of appeals if application was made to the district court as
13 hereinabove provided, and by the Supreme Court of the
14 United States upon writ of certiorari or certification as pro-
15 vided in section 1254 of title 28.”

16 (c) The second and third sentences of subsection (f) of
17 section 10 of the National Labor Relations Act, as amended
18 (61 Stat. 148), are amended to read as follows: “A copy of
19 such petition shall be forthwith transmitted by the clerk of
20 the court to the Board, and thereupon the aggrieved party
21 shall file in the court the record in the proceeding, certified
22 by the Board, as provided in section 2112 of title 28, United
23 States Code. Upon the filing of such petition, the court shall
24 proceed in the same manner as in the case of an application
25 by the Board under subsection (e) of this section, and shall

1 have the same jurisdiction to grant to the Board such tem-
2 porary relief or restraining order as it deems just and proper,
3 and in like manner to make and enter a decree enforcing,
4 modifying, and enforcing as so modified, or setting aside in
5 whole or in part the order of the Board; the findings of the
6 Board with respect to questions of fact if supported by sub-
7 stantial evidence on the record considered as a whole shall in
8 like manner be conclusive.”

9 SEC. 14. The third and fourth sentences of subsection
10 (h) of section 4 of the Federal Alcohol Administration Act
11 (49 Stat. 980), as amended, are amended to read as follows:
12 “A copy of such petition shall be forthwith transmitted by
13 the clerk of the court to the Secretary, or any officer desig-
14 nated by him for that purpose, and thereupon the Secretary
15 shall file in the court the record upon which the order com-
16 plained of was entered, as provided in section 2112 of title
17 28, United States Code. Upon the filing of such petition
18 such court shall have exclusive jurisdiction to affirm, modify,
19 or set aside such order, in whole or in part.”

20 SEC. 15. The second and third sentences of subsection
21 (a) of section 24 of the Public Utility Holding Company
22 Act of 1935 (49 Stat. 834), are amended to read as follows:
23 “A copy of such petition shall be forthwith transmitted by
24 the clerk of the court to any member of the Commission,

1 or any officer thereof designated by the Commission for that
2 purpose, and thereupon the Commission shall file in the
3 court the record upon which the order complained of was
4 entered, as provided in section 2112 of title 28, United
5 States Code. Upon the filing of such petition such court
6 shall have ~~exclusive jurisdiction~~ *jurisdiction, which upon the*
7 *filing of the record shall be exclusive*, to affirm, modify, or set
8 aside such order, in whole or in part.”

9 SEC. 16. (a) Subsection (a) of section 313 of the
10 Federal Power Act, as amended (49 Stat. 860), is amended
11 by inserting at the end thereof an additional sentence read-
12 ing as follows: “Until the record in a proceeding shall have
13 been filed in a court of appeals, as provided in subsection
14 (b), the Commission may at any time, upon reasonable
15 notice and in such manner as it shall deem proper, modify
16 or set aside, in whole or in part, any ~~find~~ *finding* or order
17 made or issued by it *under the provisions of this Act.*”

18 (b) The second and third sentences of subsection (b)
19 of section 313 of the Federal Power Act, as amended (49
20 Stat. 860), are amended to read as follows: “A copy of such
21 petition shall forthwith be transmitted by the clerk of the
22 court to any member of the Commission and thereupon the
23 Commission shall file with the court the record upon which
24 the order complained of was entered, as provided in section
25 2112 of title 28, United States Code. Upon the filing of

1 such petition such court shall have jurisdiction, which upon
2 the filing of the record with it shall be exclusive, to affirm,
3 modify, or set aside such order in whole or in part.”

4 SEC. 17. The second and third sentences of subsection
5 (b) of section 611 of the Merchant Marine Act, 1936, as
6 amended (52 Stat. 961), are amended to read as follows:
7 “A copy of such petition shall be forthwith transmitted by
8 the clerk of the court to any member of the ~~Board~~ *Commis-*
9 *sion*, or any officer thereof designated by the ~~Board~~ *Commis-*
10 *sion* for that purpose, and thereupon the ~~Board~~ *Commission*
11 shall file in the court the record upon which the order
12 complained of was entered, as provided in section 2112
13 of title 28, United States Code. Upon the filing of
14 such petition such court shall have exclusive jurisdiction
15 to determine whether such cancellation or default was with-
16 out just cause, and to affirm or set aside such order.”

17 SEC. 18. Subsection (c) of section 1006 of the Civil
18 Aeronautics Act of 1938 (52 Stat. 1024), is amended to
19 read as follows:

20 “(c) A copy of the petition shall, upon filing, be forth-
21 with transmitted to the Board by the clerk of the court;
22 and the Board shall thereupon file in the court the record,
23 if any, upon which the order complained of was entered, as
24 provided in section 2112 of title 28, United States Code.”

25 SEC. 19. (a) Subsection (a) of section 19 of the

1 Natural Gas Act (52 Stat. 831), is amended by inserting
2 at the end thereof an additional sentence reading as follows:
3 “Until the record in a proceeding shall have been filed in
4 a court of appeals, as provided in subsection (b), the Com-
5 mission may at any time, upon reasonable notice and in
6 such manner as it shall deem proper, modify or set aside,
7 in whole or in part, any finding or order made or issued
8 by it *under the provisions of this Act.*”

9 (b) The second and third sentences of subsection (b)
10 of section 19 of the Natural Gas Act (52 Stat. 831), are
11 amended to read as follows: “A copy of such petition shall
12 forthwith be transmitted by the clerk of the court to any
13 member of the Commission and thereupon the Commission
14 shall file with the court the record upon which the order
15 complained of was entered, as provided in section 2112 of
16 title 28, United States Code. Upon the filing of such peti-
17 tion such court shall have jurisdiction, which upon the filing
18 of the record with it shall be exclusive, to affirm, modify,
19 or set aside such order in whole or in part.”

20 SEC. 20. (a) The first and second sentences of para-
21 graph (2) of subsection (i) of section 408 of the Federal
22 Food, Drug, and Cosmetic Act, as added by the Act of
23 July 22, 1954 (ch. 559, 68 Stat. 515), are amended to
24 read as follows:

25 “(2) In the case of a petition with respect to an

1 order under subsection (d) (5) or (e), a copy of the
2 petition shall be forthwith transmitted by the clerk of the
3 court to the Secretary, or any officer designated by him
4 for that purpose, and thereupon the Secretary shall file in
5 *the court* the record of the proceedings on which he based
6 his order, as provided in section 2112 of title 28, United
7 States Code. Upon the filing of such petition, the court shall
8 have exclusive jurisdiction to affirm or set aside the order
9 complained of in whole or in part.”

10 (b) The first and second sentences of paragraph (3)
11 of subsection (i) of section 408 of the Federal Food, Drug,
12 and Cosmetic Act, as added by the Act of July 22, 1954
13 (ch. 559, 68 Stat. 515), are amended to read as follows:

14 “(3) In the case of a petition with respect to an order
15 under subsection ~~(1)~~ (l), a copy of the petition shall be forth-
16 with transmitted by the clerk of the court to the Secretary
17 of Agriculture, or any officer designated by him for that
18 purpose, and thereupon the Secretary shall file in the court
19 the record of the proceedings on which he based his order,
20 as provided in section 2112 of title 28, United States Code.
21 Upon the filing of such petition, the court shall have ex-
22 clusive jurisdiction to affirm or set aside the order com-
23 plained of in whole or in part.”

24 SEC. 21. ~~The third sentence~~ (a) *The second and third*
25 *sentences* of paragraph (1) of subsection (f) of section 701

1 of the Federal Food, Drug, and Cosmetic Act (52 Stat.
2 1055), as amended, ~~is~~ *are* amended to read as follows: “A
3 *copy of the petition shall be forthwith transmitted by the*
4 *clerk of the court to the Secretary or other officer designated*
5 *by him for that purpose.* ~~“The~~ *The* Secretary thereupon
6 shall file in the court the record of the proceedings on which
7 the Secretary based his order, as provided in section 2112 of
8 title 28, United States Code.”

9 *(b) The first sentence of paragraph (3) of subsection*
10 *(f) of section 701 of the Federal Food, Drug, and Cosmetic*
11 *Act (52 Stat. 1055), as amended, is amended to read as*
12 *follows: “Upon the filing of the petition referred to in para-*
13 *graph (1) of this subsection, the court shall have jurisdiction*
14 *to affirm the order, or to set it aside in whole or in part,*
15 *temporarily or permanently.”*

16 SEC. 22. The second and third sentences of subsection
17 (a) of section 10 of the Fair Labor Standards Act of 1938
18 (52 Stat. 1065), as amended, are amended to read as fol-
19 lows: “A copy of such petition shall forthwith be transmit-
20 ted by the clerk of the court to the Secretary, and thereupon
21 the Secretary shall file in the court the record of the indus-
22 try committee upon which the order complained of was en-
23 tered, as provided in section 2112 of title 28, United States
24 Code. Upon the filing of such petition such court shall
25 have exclusive jurisdiction to affirm, modify, or set aside

1 such order in whole or in part, so far as it is applicable to
2 the petitioner.”

3 SEC. 23. The fourth, fifth, sixth, and eighth sentences of
4 subsection (f) of section 5 of the Railroad Unemployment
5 Insurance Act, as amended (52 Stat. 1100), are amended
6 to read as follows: “Within fifteen days after receipt of
7 service, or within such additional time as the court may al-
8 low, the Board shall file with the court in which such peti-
9 tion has been filed the record upon which the findings and
10 decision complained of are based, as provided in section 2112
11 of title 28, United States Code. Upon the filing of such
12 petition the court shall have exclusive jurisdiction of the
13 proceeding and of the question determined therein, and shall
14 give precedence in the adjudication thereof over all other
15 civil cases not otherwise entitled by law to precedence. It
16 shall have power to enter a decree affirming, modifying, or
17 reversing the decision of the Board, with or without remand-
18 ing the cause for rehearing. * * * No additional evidence
19 shall be received by the court, but the court may order
20 additional evidence to be taken before the Board, and the
21 Board may, after hearing such additional evidence, modify
22 its findings of fact and conclusions and file such additional or
23 modified findings and conclusions with the court, and the
24 Board shall file with the court the additional record.”

25 SEC. 24. (a) Subsection (c) of section 409 of the Fed-

1 eral Seed Act (53 Stat. 1287), is amended to read as
2 follows:

3 “(c) Until the record in such hearing has been filed in
4 a court of appeals as provided in section 410, the Secretary
5 of Agriculture at any time, upon such notice and in such
6 manner as he deems proper, but only after reasonable oppor-
7 tunity to the person to be heard, may amend or set aside the
8 report or order, in whole or in a part.”

9 (b) The ~~second and third~~ *second, third and fourth*
10 paragraphs of section 410 of the Federal Seed Act (53 Stat.
11 1288); are amended to read as follows:

12 “The clerk of the court shall immediately cause a copy
13 of the petition to be delivered to the Secretary, and the Sec-
14 retary shall thereupon file in the court the record in such
15 proceedings, as provided in section 2112 of title 28, United
16 States Code. If before such record is filed, the Secretary
17 amends or sets aside his report or order, in whole or in part,
18 the petitioner may amend the petition within such time as
19 the court may determine, on notice to the Secretary.

20 “At any time after such petition is filed the court, on
21 application of the Secretary, may issue a temporary injunc-
22 tion restraining, to the extent it deems proper, the person
23 and his officers, directors, agents, and employees from vio-
24 lating any of the provisions of the order pending the final
25 determination of the ~~appeal.~~ *appeal.*”

1 *“The evidence so taken or admitted and filed as afore-*
2 *said as a part of the record, shall be considered by the court*
3 *as the evidenc in the case. The proceedings in such cases in*
4 *the court of appeals shall be made a preferred cause and shall*
5 *be expedited in every way.”*

6 (c) The first and second sentences of section 411 of
7 the Federal Seed Act (53 Stat. 1288), are amended to
8 read as follows:

9 “SEC. 411. If any person against whom an order is
10 issued under section 409 fails to obey the order, the Secretary
11 of Agriculture, or the United States, by its Attorney General,
12 may apply to the court of appeals of the United States,
13 within the circuit where the person against whom the order
14 was issued resides or has his principal place of business, for
15 the enforcement of the order, and shall file the record in such
16 proceedings, as provided in section 2112 of title 28, United
17 States Code. Upon such filing of the application the court
18 shall cause notice thereof to be served upon the person
19 against whom the order was issued.”

20 SEC. 25. The second and third sentences of subsection
21 (a) of section 43 of the Investment Company Act of 1940,
22 as amended (54 Stat. 844), are amended to read as follows:
23 “A copy of such petition shall be forthwith transmitted by
24 the clerk of the court to any member of the Commission
25 or any officer thereof designated by the Commission for

1 that purpose, and thereupon the Commission shall file in the
2 court the record upon which the order complained of was
3 entered, as provided in section 2112 of title 28, United
4 States Code. Upon the filing of such petition such court
5 shall have ~~exclusive jurisdiction~~ *jurisdiction, which upon the*
6 *filing of the record shall be exclusive*, to affirm, modify, or
7 set aside such order, in whole or in part.”

8 SEC. 26. The second and third sentences of subsection
9 (a) of section 213 of the Investment Advisers Act of 1940,
10 as amended (54 Stat. 855), are amended to read as follows:
11 “A copy of such petition shall be forthwith transmitted by
12 the clerk of the court to any member of the Commission, or
13 any officer thereof designated by the Commission for that
14 purpose, and thereupon the Commission shall file in the court
15 the record upon which the order complained of was entered,
16 as provided in section 2112 of title 28, United States Code.
17 Upon the filing of such petition such court shall have ~~ex-~~
18 ~~clusive jurisdiction~~ *jurisdiction, which upon the filing of the*
19 *record shall be exclusive*, to affirm, modify, or set aside such
20 order, in whole or in part.”

21 SEC. 27. (a) ~~The third sentence of paragraph~~ *Para-*
22 *graph* (1) of subsection (b) of section 632 of the Act of
23 July 1, 1944, as added by the Hospital Survey and Con-
24 struction Act (60 Stat. 1048), is amended to read as follows:

1 “(b) (1) If the Surgeon General refuses to approve
2 any application under section 625 or section 654, the State
3 agency through which the application was submitted, or if
4 any State is dissatisfied with the Surgeon General’s action
5 under subsection (a) of this section, such State may appeal
6 to the United States court of appeals for the circuit in which
7 such State is located by filing with such court a notice of
8 appeal. The jurisdiction of the court shall attach upon the
9 filing of such notice. A copy of the notice of appeal shall be
10 forthwith transmitted by the clerk of the court to the Sur-
11 geon General, or any officer designated by him for that pur-
12 pose. ~~“The~~ The Surgeon General shall thereupon file in the
13 court the record of the proceedings on which he based his
14 action, as provided in section 2112 of title 28, United States
15 Code.”

16 (b) The first sentence of paragraph (2) of subsection
17 (b) of section 632 of the Act of July 1, 1944, as added by
18 the Hospital Survey and Construction Act (60 Stat. 1048),
19 is amended to read as follows:

20 “(2) The findings of fact by the Surgeon General, un-
21 less substantially contrary to the weight of the evidence, shall
22 be conclusive; but the court, for good cause shown, may re-
23 mand the case to the Surgeon General to take further evi-
24 dence, and the Surgeon General may thereupon make new or

1 modified findings of fact and may modify his previous action,
2 and shall file in the court the record of the further pro-
3 ceedings.”

4 SEC. 28. The fourth sentence of subsection (c) of sec-
5 tion 205 of the Sugar Act of 1948 (61 Stat. 927), is
6 amended to read as follows: “Within thirty days after the
7 filing of said appeal the Secretary shall file with the court
8 the record upon which the decision complained of was
9 entered, as provided in section 2112 of title 28, United
10 States Code, and a list of all interested persons to whom
11 he has mailed or otherwise delivered a copy of said notice
12 of appeal.”.

13 SEC. 29. The second and third sentences of subsection
14 (a) of section 14 of the Internal Security Act of 1950 (64
15 Stat. 1001), are amended to read as follows: “A copy of
16 such petition shall be forthwith transmitted by the clerk of
17 the court to the Board, and thereupon the Board shall file
18 in the court the record in the proceeding, as provided in
19 section 2112 of title 28, United States Code. Upon the
20 filing of such petition the court shall have jurisdiction of the
21 proceeding and shall have power to affirm or set aside the
22 order of the Board; but the court may in its discretion and
23 upon its own motion transfer any action so commenced to
24 the United States Court of Appeals for the circuit wherein
25 the petitioner resides.”.

1 SEC. 30. (a) Subsection (e) of section 110 of the
2 Internal Security Act of 1950 (64 Stat. 1028), is amended
3 to read as follows:

4 “(e) Until the record in a case shall have been filed
5 in a court, as hereinafter provided, the Board may at any
6 time, upon reasonable notice and in such manner as it
7 shall deem proper, modify or set aside, in whole or in
8 part, any finding or order made or issued by it.”

9 (b) The third and fifth sentences of subsection (c) of
10 section 111 of the Internal Security Act of 1950 (64 Stat.
11 1028), are amended to read as follows: “The Board shall
12 thereupon file in the court the record of the proceedings
13 before the Board with respect to the matter concerning which
14 judicial review is sought, as provided in section 2112 of
15 title 28, United States Code. * * * Upon the filing of such
16 petition the court shall have jurisdiction of the proceeding,
17 which upon the filing of the record with it shall be exclusive,
18 and shall have power to affirm, modify, or set aside, or to
19 enforce or enforce as modified the order of the Board.”

20 (c) The first sentence of subsection (d) of section 111
21 of the Internal Security Act of 1950 (60 Stat. 1029), is
22 amended to read as follows:

23 “(d) If either party shall apply to the court for leave
24 to adduce additional evidence and shall show to the satis-
25 faction of the court that such additional evidence is material

1 and that there were reasonable grounds for the failure to
2 adduce such evidence in the hearing before the Board or
3 its hearing examiner, the court may order such additional
4 evidence to be taken before the Board or its hearing examiner
5 and to be made a part of the record.”

6 SEC. 31. (a) Section 6 of the Act of December 29,
7 1950 (64 Stat. 1130), is amended to read as follows:

8 “SEC. 6. Unless the proceeding has been terminated
9 on a motion to dismiss the petition, the agency shall file in
10 the office of the clerk of the court of appeals in which the
11 proceeding is pending the record on review, as provided in
12 section 2112 of title 28, United States Code.”

13 (b) The second sentence of subsection (c) of section 7
14 of the Act of December 29, 1950 (64 Stat. 1131), is
15 amended to read as follows: “The agency may modify its
16 findings of fact, or make new findings, by reason of the
17 additional evidence so taken and may modify or set aside
18 its order and shall file in the court such additional evidence,
19 such modified findings or new findings, and such modified
20 order or the order setting aside the original order.”.

21 SEC. 32. ~~The second and third sentences of subsection~~
22 ~~(b) of section 208 of the Federal Coal Mine Safety Act,~~
23 ~~as amended (66 Stat. 702), are amended to read as follows:~~
24 “Upon receipt of such copy of a notice of appeal the Board

1 shall file in such court the record upon which the order com-
2 plained of was made, as provided in section 2112 of title 28,
3 United States Code. The costs of certifying and filing such
4 record shall be paid by the party making such appeal.”. Sub-
5 section (b) of section 207 of the Act of September 23, 1950,
6 as amended (64 Stat. 974), is amended by adding at the end
7 of that subsection three additional sentences reading as fol-
8 lows: “The local educational agency affected may file with
9 the court a petition to review such action. A copy of the
10 petition shall be forthwith transmitted by the clerk of the court
11 to the Commissioner, or any officer designated by him for that
12 purpose. Upon the filing of the petition the court shall have
13 jurisdiction to affirm or set aside the action of the Commis-
14 sioner in whole or in part.”

15 SEC. 33. The fifth and sixth sentences of subsection
16 (b) of section 207 of the International Claims Settlement
17 Act of 1949, as amended (69 Stat. 564), are amended to
18 read as follows: “Such petition for review must be filed
19 within sixty days after the date of mailing of the final order
20 of denial by said designee and a copy shall forthwith be
21 transmitted to the said designee by the clerk of the court.
22 Within forty-five days after receipt of such petition for
23 review, or within such further time as the court may grant for
24 good cause shown, said designee shall file an answer thereto,

1 and shall file with the court the record of the proceedings
2 with respect to such claim, as provided in section 2112 of
3 title 28, United States Code.”

4 SEC. 34. The second and third sentences of section 9
5 of the Bank Holding Company Act of 1956 (70 Stat. 138)
6 are amended to read as follows: “A copy of such petition
7 shall be forthwith transmitted to the Board by the clerk
8 of the court, and thereupon the Board shall file in the court
9 the record made before the Board, as provided in section
10 2112 of title 28, United States Code. Upon the filing of
11 such petition the court shall have jurisdiction to affirm, set
12 aside, or modify the order of the Board and to require the
13 Board to take such action with regard to the matter under
14 review as the court deems proper.”

15 SEC. 35. This Act shall not be construed to repeal or
16 modify any provision of the Administrative Procedure Act.

Union Calendar No. 311

85TH CONGRESS
1ST SESSION

H. R. 6788

[Report No. 842]

A BILL

To authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

By Mr. **CELLER**

APRIL 10, 1957

Referred to the Committee on the Judiciary

JULY 23, 1957

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

85TH CONGRESS
1ST SESSION

H. R. 6788

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1957

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the analysis of chapter 133 of title 28 of the United
4 States Code, immediately preceding section 2101 of such
5 title, is amended by inserting at the end thereof the following
6 additional item:

“2112. Record on review and enforcement of agency orders.”

1 “SEC. 2. Chapter 133 of title 28 of the United States
2 Code is amended by inserting at the end of such chapter im-
3 mediately following section 2111 an additional section, as
4 follows:

5 “§ 2112. Record on review and enforcement of agency orders

6 “(a) The several courts of appeals shall have power
7 to adopt, with the approval of the Judicial Conference of
8 the United States, rules prescribing the time and manner of
9 filing and the contents of the record in all proceedings insti-
10 tuted in the courts of appeals to enjoin, set aside, suspend,
11 modify, or otherwise review or enforce orders of administra-
12 tive agencies, boards, commissions, and officers, in which
13 the applicable statute does not specifically prescribe such
14 time or manner of filing or contents of the record. Such
15 rules may authorize the agency, board, commission, or officer
16 to file in the court a certified list of the materials comprising
17 the record and retain and hold for the court all such materials
18 and transmit the same or any part thereof to the court, when
19 and as required by it, at any time prior to the final determi-
20 nation of the proceeding. The record in such proceedings
21 shall be certified and filed in or held for the court of appeals
22 by the agency, board, commission, or officer concerned within
23 the time and in the manner prescribed by such rules. If
24 proceedings have been instituted in two or more courts of
25 appeals with respect to the same order the agency, board,

1 commission, or officer concerned shall file the record in that
2 one of such courts in which in its judgment the proceedings
3 may be carried on with the greatest convenience to all the
4 parties involved. The other courts in which such proceed-
5 ings are pending shall thereupon transfer them to the court
6 of appeals in which the record has been filed.

7 “(b) The record to be filed in the court of appeals in
8 such a proceeding shall consist of the order sought to be re-
9 viewed or enforced, the findings or report upon which it is
10 based, and the pleadings, evidence, and proceedings before
11 the agency, board, commission, or officer concerned, or such
12 portions thereof (1) as the said rules of the court of appeals
13 may require to be included therein, or (2) as the agency,
14 board, commission, or officer concerned, the petitioner for
15 review or respondent in enforcement, as the case may be,
16 and any intervenor in the court proceeding by written stip-
17 ulation filed with the agency, board, commission, or officer
18 concerned or in the court in any such proceeding may con-
19 sistently with the rules of such court designate to be included
20 therein, or (3) as the court upon motion of a party or, after
21 a prehearing conference, upon its own motion may by order
22 in any such proceeding designate to be included therein.
23 Such a stipulation or order may provide in an appropriate case
24 that no record need be filed in the court of appeals. If, how-
25 ever, the correctness of a finding of fact by the agency, board,

1 commission, or officer is in question all of the evidence before
2 the agency, board, commission, or officer shall be included in
3 the record except such as the agency, board, commission, or
4 officer concerned, the petitioner for review or respondent in
5 enforcement, as the case may be, and any intervenor in the
6 court proceeding by written stipulation filed with the agency,
7 board, commission, or officer concerned or in the court agree
8 to omit as wholly immaterial to the questioned finding. If
9 there is omitted from the record any portion of the proceed-
10 ings before the agency, board, commission, or officer which
11 the court subsequently determines to be necessary for it to
12 consider to enable it to review or enforce the order in
13 question the court may direct that such additional portion
14 of the proceedings be filed as a supplement to the record.
15 If the rules of the court of appeals in which a proceeding
16 is pending do not require the printing of the entire record
17 in that court the agency, board, commission, or officer con-
18 cerned may, at its option and without regard to the fore-
19 going provisions of this subsection, file in the court the
20 entire record of the proceedings before it without
21 abbreviation.

22 “(c) The agency, board, commission, or officer con-
23 cerned may transmit to the court of appeals the original
24 papers comprising the whole or any part of the record or
25 any supplemental record, otherwise true copies of such papers

1 certified by an authorized officer or deputy of the agency,
2 board, commission, or officer concerned shall be transmitted.
3 Any original papers thus transmitted to the court of appeals
4 shall be returned to the agency, board, commission, or officer
5 concerned upon the final determination of the review or
6 enforcement proceeding. Pending such final determination
7 any such papers may be returned by the court temporarily to
8 the custody of the agency, board, commission, or officer con-
9 cerned if needed for the transaction of the public business.
10 Certified copies of any papers included in the record or any
11 supplemental record may also be returned to the agency,
12 board, commission, or officer concerned upon the final deter-
13 mination of review proceedings.”

14 SEC. 3. (a) The sixth sentence of subsection (b) of
15 section 5 of the Federal Trade Commission Act, as amended
16 (52 Stat. 112), is amended to read as follows: “Until the
17 expiration of the time allowed for filing a petition for review,
18 if no such petition has been duly filed within such time, or, if
19 a petition for review has been filed within such time then
20 until the record in the proceeding has been filed in a court
21 of appeals of the United States, as hereinafter provided, the
22 Commission may at any time, upon such notice and in such
23 manner as it shall deem proper, modify or set aside, in whole
24 or in part, any report or any order made or issued by it
25 under this section.”

1 (b) The second and third sentences of subsection (c)
2 of section 5 of the Federal Trade Commission Act, as
3 amended (52 Stat. 112-113), are amended to read as fol-
4 lows: "A copy of such petition shall be forthwith trans-
5 mitted by the clerk of the court to the Commission, and
6 thereupon the Commission shall file in the court the record
7 in the proceeding, as provided in section 2112 of title 28,
8 United States Code. Upon such filing of the petition the
9 court shall have jurisdiction of the proceeding and of the
10 question determined therein and shall have power to make
11 and enter a decree affirming, modifying, or setting aside the
12 order of the Commission, and enforcing the same to the
13 extent that such order is affirmed and to issue such writs as
14 are ancillary to its jurisdiction or are necessary in its judg-
15 ment to prevent injury to the public or to competitors
16 pendente lite."

17 (c) Subsection (d) of section 5 of the Federal Trade
18 Commission Act, as amended (52 Stat. 113), is amended
19 to read as follows:

20 "(d) Upon the filing of the record with it the jurisdic-
21 tion of the court of appeals of the United States to affirm,
22 enforce, modify, or set aside orders of the Commission shall
23 be exclusive."

24 SEC. 4. (a) The sixth sentence of the second paragraph
25 of section 11 of the Act of October 15, 1914, as amended

1 (64 Stat. 1127), is amended to read as follows: "Until the
2 record in such hearing shall have been filed in a United
3 States court of appeals, as hereinafter provided, the Commis-
4 sion or Board may at any time, upon such notice, and in such
5 manner as it shall deem proper, modify or set aside, in whole
6 or in part, any report or any order made or issued by it
7 under this section."

8 (b) The first and second sentences of the third para-
9 graph of section 11 of the Act of October 15, 1914, as
10 amended (64 Stat. 1127), are amended to read as follows:
11 "If such person fails or neglects to obey such order of the
12 Commission, or Board while the same is in effect, the Com-
13 mission or Board may apply to the United States court of
14 appeals, within any circuit where the violation complained
15 of was or is being committed or where such person resides
16 or carries on business, for the enforcement of its order, and
17 shall file the record in the proceeding, as provided in section
18 2112 of title 28, United States Code. Upon such filing of
19 the application the court shall cause notice thereof to be
20 served upon such person, and thereupon shall have jurisdic-
21 tion of the proceeding and of the question determined therein,
22 and shall have power to make and enter a decree affirming,
23 modifying, or setting aside the order of the Commission or
24 Board."

25 (c) The second and third sentences of the fourth para-

1 graph of section 11 of the Act of October 15, 1914, as
2 amended (64 Stat. 1128), are amended to read as follows:
3 “A copy of such petition shall be forthwith transmitted by
4 the clerk of the court to the Commission or Board and
5 thereupon the Commission or Board shall file in the court
6 the record in the proceeding, as provided in section 2112
7 of title 28, United States Code. Upon the filing of such
8 petition the court shall have the same jurisdiction to affirm,
9 set aside, or modify the order of the Commission or Board
10 as in the case of an application by the Commission or Board
11 for the enforcement of its order, and the findings of the
12 Commission or Board as to the facts, if supported by sub-
13 stantial evidence, determined as provided in section 10 (e)
14 of the Administrative Procedure Act, shall in like manner
15 be conclusive.”

16 (d) The fifth paragraph of section 11 of the Act of
17 October 15, 1914, as amended (64 Stat. 1128), is amended
18 to read as follows:

19 “Upon the filing of the record with it the jurisdiction
20 of the United States court of appeals to enforce, set aside,
21 or modify orders of the Commission or Board shall be
22 exclusive.”

23 SEC. 5. The fourth and fifth sentences of the first para-
24 graph of section 2 of the Act of July 28, 1916 (39 Stat.
25 425), are amended to read as follows: “A copy of such

1 petition shall be forthwith transmitted by the clerk of the
2 court to the Post Office Department and thereupon the said
3 Department shall file in the court the record, as provided
4 in section 2112 of title 28, United States Code. Upon the
5 filing of such petition the court shall have jurisdiction to
6 affirm, set aside or modify the order of the Department.”

7 SEC. 6. (a) Subsection (c) of section 203 of the
8 Packers and Stockyards Act, 1921 (42 Stat. 162), is
9 amended to read as follows:

10 “(c) Until the record in such hearing has been filed
11 in a court of appeals of the United States, as provided in
12 section 204, the Secretary at any time, upon such notice
13 and in such manner as he deems proper, but only after
14 reasonable opportunity to the packer to be heard, may
15 amend or set aside the report or order, in whole or in part.”

16 (b) Subsections (b) and (c) of section 204 of the
17 Packers and Stockyards Act, 1921 (42 Stat. 162), are
18 amended to read as follows:

19 “(b) The clerk of the court shall immediately cause
20 a copy of the petition to be delivered to the Secretary, and
21 the Secretary shall thereupon file in the court the record
22 in such proceedings, as provided in section 2112 of title 28,
23 United States Code. If before such record is filed the
24 Secretary amends or sets aside his report or order, in whole

1 or in part, the petitioner may amend the petition within such
2 time as the court may determine, on notice to the Secretary.

3 “(c) At any time after such petition is filed, the court,
4 on application of the Secretary, may issue a temporary
5 injunction restraining, to the extent it deems proper, the
6 packer and his officers, directors, agents, and employees,
7 from violating any of the provisions of the order pending
8 the final determination of the appeal.”

9 (c) The first sentence of subsection (h) of section 204
10 of the Packers and Stockyards Act, 1921 (42 Stat. 162), is
11 amended to read as follows:

12 “(h) The court of appeals shall have jurisdiction, which
13 upon the filing of the record with it shall be exclusive, to re-
14 view, and to affirm, set aside, or modify, such orders of the
15 Secretary, and the decree of such court shall be final except
16 that it shall be subject to review by the Supreme Court of the
17 United States upon certiorari, as provided in section 1254 of
18 title 28, if such writ is duly applied for within sixty days
19 after entry of the decree.”

20 SEC. 7. (a) The third sentence of paragraph (a) of sec-
21 tion 6 of the Commodity Exchange Act (42 Stat. 1001), is
22 amended to read as follows: “The clerk of the court in which
23 such a petition is filed shall immediately cause a copy thereof
24 to be delivered to the Secretary of Agriculture, Chairman of
25 said Commission, or any member thereof, and the said Com-

1 mission shall thereupon file in the court the record in such
2 proceedings, as provided in section 2112 of title 28, United
3 States Code.”

4 (b) The seventh and eighth sentences of paragraph (b)
5 of section 6 of the Commodity Exchange Act (42 Stat.
6 1002), as amended, are amended to read as follows: “A
7 copy of such petition shall be forthwith transmitted by the
8 clerk of the court to the Secretary of Agriculture and there-
9 upon the Secretary of Agriculture shall file in the court the
10 record theretofore made, as provided in section 2112 of title
11 28, United States Code. Upon the filing of the petition the
12 court shall have jurisdiction to affirm, to set aside, or modify
13 the order of the Secretary of Agriculture, and the findings of
14 the Secretary of Agriculture as to the facts, if supported by
15 the weight of evidence, shall in like manner be conclusive.”

16 SEC. 8. The third and fourth sentences of the second
17 paragraph of subsection (b) of section 641 of the Tariff Act
18 of 1930, as amended (49 Stat. 865), are amended to read
19 as follows: “A copy of such petition shall be forthwith
20 transmitted by the clerk of the court to the Secretary of the
21 Treasury, or any officer designated by him for that purpose,
22 and thereupon the Secretary of the Treasury shall file in the
23 court the record upon which the order complained of was
24 entered, as provided in section 2112 of title 28, United
25 States Code. Upon the filing of such petition such court

1 shall have exclusive jurisdiction to affirm, modify, or set
2 aside such order, in whole or in part.”

3 SEC. 9. The second sentence of subsection (a) of section
4 9 of the Securities Act of 1933 (48 Stat. 80) is amended
5 to read as follows: “A copy of such petition shall be forth-
6 with transmitted by the clerk of the court to the Commission,
7 and thereupon the Commission shall file in the court the
8 record upon which the order complained of was entered, as
9 provided in section 2112 of title 28, United States Code.”

10 SEC. 10. The second and third sentences of subsection
11 (a) of section 25 of the Securities Exchange Act of 1934
12 (48 Stat. 901) are amended to read as follows: “A copy
13 of such petition shall be forthwith transmitted by the clerk
14 of the court to any member of the Commission, and there-
15 upon the Commission shall file in the court the record upon
16 which the order complained of was entered, as provided in
17 section 2112 of title 28, United States Code. Upon the
18 filing of such petition such court shall have exclusive juris-
19 diction to affirm, modify, and enforce or set aside such order,
20 in whole or in part.”

21 SEC. 11. The third sentence of subsection (c) of sec-
22 tion 18 of the Act of June 18, 1934 (48 Stat. 1002), is
23 amended to read as follows: “The clerk of the court in which
24 such a petition is filed shall immediately cause a copy thereof
25 to be delivered to the Board and it shall thereupon file in the

1 court the record in the proceedings held before it under
2 this section, as provided in section 2112 of title 28, United
3 States Code.”

4 SEC. 12. The second sentence of subsection (d) of sec-
5 tion 402 of the Communications Act of 1934, as amended
6 (66 Stat. 719), is amended to read as follows: “Within
7 thirty days after the filing of an appeal, the Commission
8 shall file with the court the record upon which the order
9 complained of was entered, as provided in section 2112 of
10 title 28, United States Code.”

11 SEC. 13. (a) Subsection (d) of section 10 of the Na-
12 tional Labor Relations Act, as amended (61 Stat. 147),
13 is amended to read as follows:

14 “(d) Until the record in a case shall have been filed in
15 a court, as hereinafter provided, the Board may at any time
16 upon reasonable notice and in such manner as it shall deem
17 proper, modify or set aside, in whole or in part, any finding
18 or order made or issued by it.”

19 (b) The first, second, fifth and seventh sentences of
20 subsection (e) of section 10 of the National Labor Relations
21 Act, as amended (61 Stat. 147), are amended to read as
22 follows:

23 “(e) The Board shall have power to petition any court
24 of appeals of the United States, or if all the courts of appeals

1 to which application may be made are in vacation, any dis-
2 trict court of the United States, within any circuit or dis-
3 trict, respectively, wherein the unfair labor practice in ques-
4 tion occurred or wherein such person resides or transacts
5 business, for the enforcement of such order and for appro-
6 priate temporary relief or restraining order, and shall file in
7 the court the record in the proceedings, as provided in
8 section 2112 of title 28, United States Code. Upon the
9 filing of such petition, the court shall cause notice thereof
10 to be served upon such person, and thereupon shall have
11 jurisdiction of the proceeding and of the question determined
12 therein, and shall have power to grant such temporary relief
13 or restraining order as it deems just and proper, and to make
14 and enter a decree enforcing, modifying, and enforcing as
15 so modified, or setting aside in whole or in part the order
16 of the Board. * * * If either party shall apply to the
17 court for leave to adduce additional evidence and shall show
18 to the satisfaction of the court that such additional evidence
19 is material and that there were reasonable grounds for the
20 failure to adduce such evidence in the hearing before the
21 Board, its members, agent, or agency, the court may order
22 such additional evidence to be taken before the Board, its
23 members, agent, or agency, and to be made a part of the
24 record. * * * Upon the filing of the record with it the
25 jurisdiction of the court shall be exclusive and its judgment

1 and decree shall be final, except that the same shall be
2 subject to review by the appropriate United States court
3 of appeals if application was made to the district court as
4 hereinabove provided, and by the Supreme Court of the
5 United States upon writ of certiorari or certification as pro-
6 vided in section 1254 of title 28.”

7 (c) The second and third sentences of subsection (f) of
8 section 10 of the National Labor Relations Act, as amended
9 (61 Stat. 148), are amended to read as follows: “A copy of
10 such petition shall be forthwith transmitted by the clerk of
11 the court to the Board, and thereupon the aggrieved party
12 shall file in the court the record in the proceeding, certified
13 by the Board, as provided in section 2112 of title 28, United
14 States Code. Upon the filing of such petition, the court shall
15 proceed in the same manner as in the case of an application
16 by the Board under subsection (e) of this section, and shall
17 have the same jurisdiction to grant to the Board such tem-
18 porary relief or restraining order as it deems just and proper,
19 and in like manner to make and enter a decree enforcing,
20 modifying, and enforcing as so modified, or setting aside in
21 whole or in part the order of the Board; the findings of the
22 Board with respect to questions of fact if supported by sub-
23 stantial evidence on the record considered as a whole shall in
24 like manner be conclusive.”

25 SEC. 14. The third and fourth sentences of subsection

1 (h) of section 4 of the Federal Alcohol Administration Act
2 (49 Stat. 980), as amended, are amended to read as follows:
3 “A copy of such petition shall be forthwith transmitted by
4 the clerk of the court to the Secretary, or any officer desig-
5 nated by him for that purpose, and thereupon the Secretary
6 shall file in the court the record upon which the order com-
7 plained of was entered, as provided in section 2112 of title
8 28, United States Code. Upon the filing of such petition
9 such court shall have exclusive jurisdiction to affirm, modify,
10 or set aside such order, in whole or in part.”

11 SEC. 15. The second and third sentences of subsection
12 (a) of section 24 of the Public Utility Holding Company
13 Act of 1935 (49 Stat. 834), are amended to read as follows:
14 “A copy of such petition shall be forthwith transmitted by
15 the clerk of the court to any member of the Commission,
16 or any officer thereof designated by the Commission for that
17 purpose, and thereupon the Commission shall file in the
18 court the record upon which the order complained of was
19 entered, as provided in section 2112 of title 28, United
20 States Code. Upon the filing of such petition such court
21 shall have exclusive jurisdiction to affirm, modify, or set
22 aside such order, in whole or in part.”

23 SEC. 16. (a) Subsection (a) of section 313 of the
24 Federal Power Act, as amended (49 Stat. 860), is amended
25 by inserting at the end thereof an additional sentence read-

1 ing as follows: "Until the record in a proceeding shall have
2 been filed in a court of appeals, as provided in subsection
3 (b), the Commission may at any time, upon reasonable
4 notice and in such manner as it shall deem proper, modify
5 or set aside, in whole or in part, any find or order made
6 or issued by it."

7 (b) The second and third sentences of subsection (b)
8 of section 313 of the Federal Power Act, as amended (49
9 Stat. 860), are amended to read as follows: "A copy of such
10 petition shall forthwith be transmitted by the clerk of the
11 court to any member of the Commission and thereupon the
12 Commission shall file with the court the record upon which
13 the order complained of was entered, as provided in section
14 2112 of title 28, United States Code. Upon the filing of
15 such petition such court shall have jurisdiction, which upon
16 the filing of the record with it shall be exclusive, to affirm,
17 modify, or set aside such order in whole or in part."

18 SEC. 17. The second and third sentences of subsection
19 (b) of section 611 of the Merchant Marine Act, 1936, as
20 amended (52 Stat. 961), are amended to read as follows:
21 "A copy of such petition shall be forthwith transmitted by
22 the clerk of the court to any member of the Board, or any
23 officer thereof designated by the Board for that purpose, and
24 thereupon the Board shall file in the court the record upon

1 which the order complained of was entered, as provided in
2 section 2112 of title 28, United States Code. Upon the filing
3 of such petition such court shall have exclusive jurisdiction
4 to determine whether such cancellation or default was with-
5 out just cause, and to affirm or set aside such order.”

6 SEC. 18. Subsection (c) of section 1006 of the Civil
7 Aeronautics Act of 1938 (52 Stat. 1024), is amended to
8 read as follows:

9 “(c) A copy of the petition shall, upon filing, be forth-
10 with transmitted to the Board by the clerk of the court;
11 and the Board shall thereupon file in the court the record,
12 if any, upon which the order complained of was entered, as
13 provided in section 2112 of title 28, United States Code.”

14 SEC. 19. (a) Subsection (a) of section 19 of the
15 Natural Gas Act (52 Stat. 831), is amended by inserting
16 at the end thereof an additional sentence reading as follows:
17 “Until the record in a proceeding shall have been filed in
18 a court of appeals, as provided in subsection (b), the Com-
19 mission may at any time, upon reasonable notice and in
20 such manner as it shall deem proper, modify or set aside,
21 in whole or in part, any finding or order made or issued
22 by it.”

23 (b) The second and third sentences of subsection (b)
24 of section 19 of the Natural Gas Act (52 Stat. 831), are
25 amended to read as follows: “A copy of such petition shall

1 forthwith be transmitted by the clerk of the court to any
2 member of the Commission and thereupon the Commission
3 shall file with the court the record upon which the order
4 complained of was entered, as provided in section 2112 of
5 title 28, United States Code. Upon the filing of such peti-
6 tion such court shall have jurisdiction, which upon the filing
7 of the record with it shall be exclusive, to affirm, modify,
8 or set aside such order in whole or in part.”

9 SEC. 20. (a) The first and second sentences of para-
10 graph (2) of subsection (i) of section 408 of the Federal
11 Food, Drug, and Cosmetic Act, as added by the Act of
12 July 22, 1954 (ch. 559, 68 Stat. 515), are amended to
13 read as follows:

14 “(2) In the case of a petition with respect to an
15 order under subsection (d) (5) or (e), a copy of the
16 petition shall be forthwith transmitted by the clerk of the
17 court to the Secretary, or any officer designated by him
18 for that purpose, and thereupon the Secretary shall file in
19 the record of the proceedings on which he based his order,
20 as provided in section 2112 of title 28, United States Code.
21 Upon the filing of such petition, the court shall have exclu-
22 sive jurisdiction to affirm or set aside the order complained
23 of in whole or in part.”

24 (b) The first and second sentences of paragraph (3)
25 of subsection (i) of section 408 of the Federal Food, Drug,

1 and Cosmetic Act, as added by the Act of July 22, 1954
2 (ch. 559, 68 Stat. 515), are amended to read as follows:

3 “(3) In the case of a petition with respect to an order
4 under subsection (1), a copy of the petition shall be forth-
5 with transmitted by the clerk of the court to the Secretary
6 of Agriculture, or any officer designated by him for that
7 purpose, and thereupon the Secretary shall file in the court
8 the record of the proceedings on which he based his order,
9 as provided in section 2112 of title 28, United States Code.
10 Upon the filing of such petition, the court shall have ex-
11 clusive jurisdiction to affirm or set aside the order com-
12 plained of in whole or in part.”

13 SEC. 21. The third sentence of paragraph (1) of sub-
14 section (f) of section 701 of the Federal Food, Drug, and
15 Cosmetic Act (52 Stat. 1055), as amended, is amended to
16 read as follows: “The Secretary thereupon shall file in the
17 court the record of the proceedings on which the Secretary
18 based his order, as provided in section 2112 of title 28,
19 United States Code.”

20 SEC. 22. The second and third sentences of subsection
21 (a) of section 10 of the Fair Labor Standards Act of 1938
22 (52 Stat. 1065), as amended, are amended to read as fol-
23 lows: “A copy of such petition shall forthwith be transmit-
24 ted by the clerk of the court to the Secretary, and thereupon
25 the Secretary shall file in the court the record of the indus-

1 try committee upon which the order complained of was en-
2 tered, as provided in section 2112 of title 28, United States
3 Code. Upon the filing of such petition such court shall
4 have exclusive jurisdiction to affirm, modify, or set aside
5 such order in whole or in part, so far as it is applicable to
6 the petitioner.”

7 SEC. 23. The fourth, fifth, sixth, and eighth sentences of
8 subsection (f) of section 5 of the Railroad Unemployment
9 Insurance Act, as amended (52 Stat. 1100), are amended
10 to read as follows: “Within fifteen days after receipt of
11 service, or within such additional time as the court may al-
12 low, the Board shall file with the court in which such peti-
13 tion has been filed the record upon which the findings and
14 decision complained of are based, as provided in section 2112
15 of title 28, United States Code. Upon the filing of such
16 petition the court shall have exclusive jurisdiction of the
17 proceeding and of the question determined therein, and shall
18 give precedence in the adjudication thereof over all other
19 civil cases not otherwise entitled by law to precedence. It
20 shall have power to enter a decree affirming, modifying, or
21 reversing the decision of the Board, with or without remand-
22 ing the cause for rehearing. * * * No additional evidence
23 shall be received by the court, but the court may order
24 additional evidence to be taken before the Board, and the
25 Board may, after hearing such additional evidence, modify

1 its findings of fact and conclusions and file such additional or
2 modified findings and conclusions with the court, and the
3 Board shall file with the court the additional record.”

4 SEC. 24. (a) Subsection (c) of section 409 of the Fed-
5 eral Seed Act (53 Stat. 1287), is amended to read as
6 follows:

7 “(c) Until the record in such hearing has been filed in
8 a court of appeals as provided in section 410, the Secretary
9 of Agriculture at any time, upon such notice and in such
10 manner as he deems proper, but only after reasonable oppor-
11 tunity to the person to be heard, may amend or set aside the
12 report or order, in whole or in a part.”

13 (b) The second and third paragraphs of section 410 of
14 the Federal Seed Act (53 Stat. 1288), are amended to read
15 as follows:

16 “The clerk of the court shall immediately cause a copy
17 of the petition to be delivered to the Secretary, and the Sec-
18 retary shall thereupon file in the court the record in such
19 proceedings, as provided in section 2112 of title 28, United
20 States Code. If before such record is filed, the Secretary
21 amends or sets aside his report or order, in whole or in part,
22 the petitioner may amend the petition within such time as
23 the court may determine, on notice to the Secretary.

24 “At any time after such petition is filed the court, on
25 application of the Secretary, may issue a temporary injunc-

1 tion restraining, to the extent it deems proper, the person
2 and his officers, directors, agents, and employees from vio-
3 lating any of the provisions of the order pending the final
4 determination of the appeal.”

5 (c) The first and second sentences of section 411 of
6 the Federal Seed Act (53 Stat. 1288), are amended to
7 read as follows:

8 “SEC. 411. If any person against whom an order is
9 issued under section 409 fails to obey the order, the Secretary
10 of Agriculture, or the United States, by its Attorney General,
11 may apply to the court of appeals of the United States,
12 within the circuit where the person against whom the order
13 was issued resides or has his principal place of business, for
14 the enforcement of the order, and shall file the record in such
15 proceedings, as provided in section 2112 of title 28, United
16 States Code. Upon such filing of the application the court
17 shall cause notice thereof to be served upon the person
18 against whom the order was issued.”

19 SEC. 25. The second and third sentences of subsection
20 (a) of section 43 of the Investment Company Act of 1940,
21 as amended (54 Stat. 844), are amended to read as follows:
22 “A copy of such petition shall be forthwith transmitted by
23 the clerk of the court to any member of the Commission
24 or any officer thereof designated by the Commission for
25 that purpose, and thereupon the Commission shall file in the

1 court the record upon which the order complained of was
2 entered, as provided in section 2112 of title 28, United
3 States Code. Upon the filing of such petition such court
4 shall have exclusive jurisdiction to affirm, modify, or set aside
5 such order, in whole or in part.”

6 SEC. 26. The second and third sentences of subsection
7 (a) of section 213 of the Investment Advisers Act of 1940,
8 as amended (54 Stat. 855), are amended to read as follows:
9 “A copy of such petition shall be forthwith transmitted by
10 the clerk of the court to any member of the Commission, or
11 any officer thereof designated by the Commission for that
12 purpose, and thereupon the Commission shall file in the court
13 the record upon which the order complained of was entered,
14 as provided in section 2112 of title 28, United States Code.
15 Upon the filing of such petition such court shall have ex-
16 clusive jurisdiction to affirm, modify, or set aside such order,
17 in whole or in part.”

18 SEC. 27. (a) The third sentence of paragraph (1) of
19 subsection (b) of section 632 of the Act of July 1, 1944,
20 as added by the Hospital Survey and Construction Act (60
21 Stat. 1048), is amended to read as follows: “The Surgeon
22 General shall thereupon file in the court the record of the
23 proceedings on which he based his action, as provided in
24 section 2112 of title 28, United States Code.”

25 (b) The first sentence of paragraph (2) of subsection

1 (b) of section 632 of the Act of July 1, 1944, as added by
2 the Hospital Survey and Construction Act (60 Stat. 1048),
3 is amended to read as follows:

4 “(2) The findings of fact by the Surgeon General, un-
5 less substantially contrary to the weight of the evidence, shall
6 be conclusive; but the court, for good cause shown, may re-
7 mand the case to the Surgeon General to take further evi-
8 dence, and the Surgeon General may thereupon make new or
9 modified findings of fact and may modify his previous action,
10 and shall file in the court the record of the further pro-
11 ceedings.”

12 SEC. 28. The fourth sentence of subsection (c) of sec-
13 tion 205 of the Sugar Act of 1948 (61 Stat. 927), is
14 amended to read as follows: “Within thirty days after the
15 filing of said appeal the Secretary shall file with the court
16 the record upon which the decision complained of was
17 entered, as provided in section 2112 of title 28, United
18 States Code, and a list of all interested persons to whom
19 he has mailed or otherwise delivered a copy of said notice
20 of appeal.”

21 SEC. 29. The second and third sentences of subsection
22 (a) of section 14 of the Internal Security Act of 1950 (64
23 Stat. 1001), are amended to read as follows: “A copy of
24 such petition shall be forthwith transmitted by the clerk of
25 the court to the Board, and thereupon the Board shall file

1 in the court the record in the proceeding, as provided in
2 section 2112 of title 28, United States Code. Upon the
3 filing of such petition the court shall have jurisdiction of the
4 proceeding and shall have power to affirm or set aside the
5 order of the Board; but the court may in its discretion and
6 upon its own motion transfer any action so commenced to
7 the United States Court of Appeals for the circuit wherein
8 the petitioner resides.”.

9 SEC. 30. (a) Subsection (e) of section 110 of the
10 Internal Security Act of 1950 (64 Stat. 1028), is amended
11 to read as follows:

12 “(e) Until the record in a case shall have been filed
13 in a court, as hereinafter provided, the Board may at any
14 time, upon reasonable notice and in such manner as it
15 shall deem proper, modify or set aside, in whole or in
16 part, any finding or order made or issued by it.”

17 (b) The third and fifth sentences of subsection (c) of
18 section 111 of the Internal Security Act of 1950 (64 Stat.
19 1028), are amended to read as follows: “The Board shall
20 thereupon file in the court the record of the proceedings
21 before the Board with respect to the matter concerning which
22 judicial review is sought, as provided in section 2112 of
23 title 28, United States Code * * * Upon the filing of such
24 petition the court shall have jurisdiction of the proceeding,
25 which upon the filing of the record with it shall be exclusive,

1 and shall have power to affirm, modify, or set aside, or to
2 enforce or enforce as modified the order of the Board.”.

3 (c) The first sentence of subsection (d) of section 111
4 of the Internal Security Act of 1950 (60 Stat. 1029), is
5 amended to read as follows:

6 “(d) If either party shall apply to the court for leave
7 to adduce additional evidence and shall show to the satis-
8 faction of the court that such additional evidence is material
9 and that there were reasonable grounds for the failure to
10 adduce such evidence in the hearing before the Board or
11 its hearing examiner, the court may order such additional
12 evidence to be taken before the Board or its hearing examiner
13 and to be made a part of the record.”

14 SEC. 31. (a) Section 6 of the Act of December 29,
15 1950 (64 Stat. 1130), is amended to read as follows:

16 “SEC. 6. Unless the proceeding has been terminated
17 on a motion to dismiss the petition, the agency shall file in
18 the office of the clerk of the court of appeals in which the
19 proceeding is pending the record on review, as provided in
20 section 2112 of title 28, United States Code.”

21 (b) The second sentence of subsection (c) of section 7
22 of the Act of December 29, 1950 (64 Stat. 1131), is
23 amended to read as follows: “The agency may modify its
24 findings of fact, or make new findings, by reason of the
25 additional evidence so taken and may modify or set aside

1 its order and shall file in the court such additional evidence,
2 such modified findings or new findings, and such modified
3 order or the order setting aside the original order.”.

4 SEC. 32. The second and third sentences of subsection
5 (b) of section 208 of the Federal Coal Mine Safety Act,
6 as amended (66 Stat. 702), are amended to read as follows:
7 “Upon receipt of such copy of a notice of appeal the Board
8 shall file in such court the record upon which the order com-
9 plained of was made, as provided in section 2112 of title 28,
10 United States Code. The costs of certifying and filing such
11 record shall be paid by the party making such appeal.”.

12 SEC. 33. The fifth and sixth sentences of subsection
13 (b) of section 207 of the International Claims Settlement
14 Act of 1949, as amended (69 Stat. 564), are amended to
15 read as follows: “Such petition for review must be filed
16 within sixty days after the date of mailing of the final order
17 of denial by said designee and a copy shall forthwith be
18 transmitted to the said designee by the clerk of the court.
19 Within forty-five days after receipt of such petition for
20 review, or within such further time as the court may grant for
21 good cause shown, said designee shall file an answer thereto,
22 and shall file with the court the record of the proceedings
23 with respect to such claim, as provided in section 2112 of
24 title 28, United States Code.”

25 SEC. 34. The second and third sentences of section 9

1 of the Bank Holding Company Act of 1956 (70 Stat. 138)
2 are amended to read as follows: "A copy of such petition
3 shall be forthwith transmitted to the Board by the clerk
4 of the court, and thereupon the Board shall file in the court
5 the record made before the Board, as provided in section
6 2112 of title 28, United States Code. Upon the filing of
7 such petition the court shall have jurisdiction to affirm, set
8 aside, or modify the order of the Board and to require the
9 Board to take such action with regard to the matter under
10 review as the court deems proper."

11 SEC. 35. This Act shall not be construed to repeal or
12 modify any provision of the Administrative Procedure Act.

85TH CONGRESS
1ST SESSION

H. R. 6788

A BILL

To authorize the abbreviation of the record on the review or enforcement of orders of administrative agencies by the courts of appeals and the review or enforcement of such orders on the original papers and to make uniform the law relating to the record on review or enforcement of such orders, and for other purposes.

By Mr. **CELLER**

APRIL 10, 1957

Referred to the Committee on the Judiciary