

FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.
July 2, 1959

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Honorable Warren G. Magnuson
Chairman, Committee on Interstate
and Foreign Commerce
United States Senate
Washington 25, D. C.

Dear Chairman Magnuson:

By telephone on July 1, 1959, the Commission was requested by Mr. Harold Baynton, Counsel for the Committee, to give an immediate report of the Commission's position with respect to S. 1965. This bill would establish certain provisions as to the terms of office of the members of certain regulatory agencies. We were also advised that the committee in executive session on July 1, 1959, ordered the bill to be reported with amendments.

Mr. Baynton stated that the Commission's comments were desired only on the bill as ordered to be reported and not as introduced. He further stated that Section 2 of the bill (which affects only the Federal Communications Commission) was amended in committee so as to delete subsection (a) thereof. As ordered to be reported, Section 2 of said bill will consist of one paragraph containing language to amend subsection (c) of Section 4 of the Communications Act by adding at the end of such subsection a new sentence to read:

"Upon the expiration of his term of office,
a Commissioner shall continue to serve until
his successor is appointed and has qualified."

The Commission recognizes that whether a proposal of this kind should be enacted is a matter of fundamental substantive policy for the judgment of Congress, but in this instance supports the legislation because of the obvious advantages that would flow from its enactment. By providing by statute for the holding over of a member of a multi-headed agency until his successor is appointed and qualified, a full agency membership is assured, continuity of commission responsibility is preserved, and delay is avoided in proceedings involving decisional matters. The Commission also understands that another purpose of S. 1965 is to bring the Communications Act of 1934 (and the Federal Power Act

as well) in line with the governing statutes of some of the other regulatory agencies. (See, for example, the statutes dealing with members of the Interstate Commerce Commission and the Federal Trade Commission.)

In view of the urgency for an immediate report on the bill, time did not permit the submission of these comments to the Bureau of the Budget for clearance of the proposal in the light of the program of the President. We are, therefore, unable to state the position of that Bureau on the measure.

BY DIRECTION OF THE COMMISSION

John C. Doerfer
Chairman