

their seeds of distrust, subversion, civil war, and ultimate takeover.

If these people are to have no hope or confidence in their own leaders, or in their own future and aspirations, there is little that our military arms and might can do to keep these people on the side of the free. If our arms and might only entrench more firmly oriental despots and reactionary interest groups, there is little hope that these nations will remain for long in the Western or even neutral camp.

The need of these people is more than arms, though arms they do need. In some areas it consists of a bowl of rice, in others, a new school, in others, a new sewerage system or perhaps a small plot of land for a hungry peasant and his family.

If we can help these people to help themselves in providing these necessities of life, I am sure that in these underdeveloped lands, as in Europe, the appeals of the Communist cadres will again fall on dead and listless ears. If we, with our technical assistance and our moral support, can instill in these people a sense of hope in their future and confidence in their leaders, three-fourths of the battle against communism will have been won. Communists have never come to power where men are imbued with confidence, self-reliance, and some measure of economic security.

I strongly believe, Mr. Chairman, that as formidable as this task may appear, as long as the road may be ahead of us, we must begin. If our help to these people—as large or small as it may be—will help maintain our own security, is it not well worth the price, to say nothing of the humanitarian values involved?

In many of these nations effective internal reforms by themselves will be a vital first step in winning the confidence and hope of the common people. By providing a fairer distribution of arable land and the national income, millions of people will face the future with renewed faith. By providing an adequate and equitable tax structure, the leaders of these developing nations will have much of the needed capital to begin impressive projects of their own or to implement our assistance.

In a great number of cases we can be of assistance to these nations by helping them to take stock of their own natural resources and other assets, by assisting them in improving agricultural techniques, by providing enough food for the people until their new techniques can take effect, and by providing them with special personnel or Peace Corps members who will help to train the needed teachers, doctors, public health officials, civil servants, engineers, technicians, and so many other skilled personnel who are almost totally lacking in these countries.

This is where we can begin, Mr. Chairman.

Once these nations are well on their way in meeting these basic prerequisites of a modern industrial society, we can then lend them long-term, low-interest loans and encourage our businessmen to

invest their capital in larger developmental projects for these nations.

Once they are moving well along the way, and once their people have faith and hope in the future—communism will lose ground as it did in Europe, and in Japan, and in every other nation of the world where the common people began to fill their stomachs and feel that tomorrow would bring a better world for their families and their children.

But let us look at the other side of the coin, Mr. Chairman. Let us suppose that we fail to lend a helping hand to these people in need. Let us suppose that all of these people go the way of Castro and Soviet satellites. Let us suppose that all of southeast Asia, all of India, all of Africa, and all of Latin America were to be slowly engulfed in the Communist empire. Where would we stand as a free and independent nation?

I am sure that I need not remind the Members of this body of the importance of these nations to our own national security and welfare. We depend upon many of these nations for many strategic materials. Right now we are importing 100 percent of our tin, 96 percent of our ferromanganese, 96 percent of our beryllium, 100 percent of our natural rubber, 94 percent of our asbestos, 100 percent of our copra, and 91 percent of our chromium.

And what about so many other things which we take for granted as essentials of our everyday living—things like cocoa, coffee, tea, spices, and silk.

I trust that the Congress will not lose sight of the main objective of this mutual security program. There are those who sincerely believe in fortress America and in isolating our country from the rest of the world.

Unknowingly, of course, they are playing into Communist hands, for the Communists want to isolate America. It is part of their plan for world domination.

The vote on this legislation today is a part of the cold war conflict. Let us support President Kennedy. Let us back his program to give economic aid, military might, and moral strength to the free world in a common cause against Communist totalitarianism and tyranny.

The CHAIRMAN. All time for debate has expired.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. Mr. Chairman, would it be in order for me to proceed for 1 minute in order to inquire of the majority leader as to the program for next week, the purpose being, of course, to inform the Members while they are here, because many of them are leaving.

The CHAIRMAN. The Chair will entertain that request.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent to strike the unanimous consent order heretofore entered and to proceed for 1 minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Chairman, may I ask the majority leader if he can give us information as to the program for next week?

Mr. McCORMACK. On Monday the Consent Calendar will be called.

There are 22 suspensions, as follows: H.R. 7057, brick and tile clay.

S. 1656, crimes and offenses, wire communications for gambling.

S. 1657, crimes and offenses, transmission of gambling paraphernalia.

S. 1653, prohibit travel or transportation aid of racketeering enterprises.

H.R. 8384, crimes aboard aircraft in air commerce.

H.R. 7916, extend saline water program.

H.R. 2470, Lincoln Boyhood National Memorial.

H.R. 32, Fort Smith National Historic Site.

H.R. 7061, postal service, compensatory time.

H.R. 7532, postal service, broader fund collection.

H.R. 7021, Federal employees, provide quarters, household furniture.

H.R. 1010, Federal employees, promotions.

S. 739, Civil Service Retirement Act, public debt obligations.

H.R. 8599, amend Atomic Energy Act—Euratom.

S. 1622, to amend the Atomic Energy Community Act of 1955, as amended.

S. 606, research on shell fisheries.

H.R. 8028, Juvenile Delinquency and Youth Offenses Control Act of 1961.

H.R. 7763, U.S. participation, New York World's Fair.

H.R. 8723, amend Welfare and Pension Plans Disclosure Act.

H.R. 8141, revise library depository laws.

H.R. 8603, amend Federal Property and Administrative Services Act, identical bills.

H.R. 8341, authorize safety study, mines, Secretary of the Interior.

On Tuesday the Private Calendar will be called, also three bills from the Committee on Ways and Means, which the chairman will call up by unanimous consent. They are H.R. 641, tariff, beta ray spectrometer, free entry; H.R. 6145, taxes, reduced credit provisions, postponement; and H.R. 6371, retirement income credit.

I have also programmed for Tuesday the bill H.R. 468, clarifying the Fugitive Felon Act, on which a rule has been granted.

I make the usual reservation that conference reports may be brought up at any time, and that any further program will be announced later.

I understand the Rules Committee will meet next week and may report out some more rules. In that event, there will be a further announcement.

Mr. HALLECK. As I understand, there are a few appropriation bills yet to be disposed of. In the hope that we might adjourn sine die before too long, I would hope we might move those bills and any other matters that might be disposed of, so that we will not have to stay here too much longer.

Mr. WILLIAMS. If the gentleman will yield, may I ask the gentleman from Massachusetts if the airline hijacking bill is one of those bills scheduled for suspension?

Mr. MCCORMACK. That is correct, that is the bill, H.R. 8384, to amend the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce.

The CHAIRMAN. If there are no further amendments under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8400) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic and social development and internal and external security, and for other purposes, pursuant to House Resolution 414, he reported the bill back to the House with sundry amendments, adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mrs. CHURCH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. CHURCH. In its present form, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. CHURCH moves to recommit the bill (H.R. 8400) to the Committee on Foreign Affairs.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ADAIR. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 287, nays 140, not voting 10, as follows:

[Roll No. 157]

YEAS—287

Addabbo	Bailey	Blatnik
Addonizio	Baldwin	Boggs
Albert	Barrett	Boland
Amfuso	Barry	Bolling
Arends	Bass, N.H.	Bolton
Ashley	Bass, Tenn.	Boykin
Aspinall	Bates	Brademas
Auchincloss	Beckworth	Breeding
Avery	Bell	Brewster
	Bennett, Fla.	Bromwell

Brooks, Tex.	Hays	O'Brien, Ill.
Broomfield	Healey	O'Brien, N.Y.
Broyhill	Hébert	O'Hara, Ill.
Buckley	Hechler	O'Hara, Mich.
Burke, Ky.	Henderson	Olsen
Burke, Mass.	Herlong	O'Neill
Byrne, Pa.	Hollifield	Osmer
Byrnes, Wis.	Holland	Ostertag
Cahill	Holtzman	Patman
Cannon	Horan	Pelly
Carey	Hosmer	Perkins
Celler	Huddleston	Peterson
Chamberlain	Ikard, Tex.	Philbin
Chelf	Inouye	Pike
Chenoweth	Jarman	Pirnie
Chipfield	Joelson	Powell
Clark	Johnson, Calif.	Price
Coad	Johnson, Md.	Pucinski
Cohelan	Johnson, Wis.	Rains
Conte	Jones, Ala.	Randall
Cook	Jones, Mo.	Reifel
Cooley	Judd	Reuss
Corbett	Karsten	Rhodes, Ariz.
Corman	Karsh	Rhodes, Pa.
Cramer	Kastenmeyer	Riehlman
Curtin	Kee	Rivers, Alaska
Curtis, Mass.	Keith	Roberts
Curtis, Mo.	Kelly	Robison
Daddario	Keogh	Rodino
Dague	Killburn	Rogers, Colo.
Daniels	Kilday	Rooney
Dawson	King, Calif.	Roosevelt
Delaney	King, N.Y.	Rostenkowski
Dent	King, Utah	St. Germain
Denton	Kirwan	Santangelo
Derouinlan	Kluczynski	Saund
Diggs	Kornegay	Schneebell
Dingell	Kowalski	Schweiker
Donohue	Kunkel	Schwengel
Dooley	Kyl	Scott
Downing	Lane	Scranton
Doyle	Langen	Seely-Brown
Dulski	Lankford	Selden
Dwyer	Lesinski	Shelley
Edmondson	Libonati	Sheppard
Elliott	Lindsay	Shriver
Ellsworth	Loser	Sibal
Everett	McCormack	Sisk
Evins	McDowell	Smith, Iowa
Fallon	McFall	Smith, Miss.
Farbsteln	Macdonald	Spence
Fascell	MacGregor	Springer
Felghan	Machrowicz	Stafford
Fenton	Madden	Staggers
Finnegan	Magnuson	Steed
Flood	Mahon	Stratton
Fogarty	Maillard	Stubblefield
Ford	Marshall	Sullivan
Fountain	Martin, Mass.	Taylor
Frazier	Mathias	Teague, Calif.
Frelinghuysen	Matthews	Thomas
Friedel	May	Thompson, N.J.
Fulton	Meador	Thompson, Tex.
Gallagher	Morrow	Thornberry
Garmatz	Miller, Clem	Toll
Gary	Miller,	Tollefson
Gathings	George P.	Trimble
Glaimo	Miller, N.Y.	Tupper
Gilbert	Milliken	Udall, Morris K.
Glenn	Mills	Ullman
Goodell	Moeller	Vanik
Gooding	Monagan	Van Zandt
Granahan	Montoya	Vinson
Gray	Moorhead, Pa.	Wallhauser
Green, Oreg.	Morgan	Walter
Green, Pa.	Morrison	Watts
Griffin	Morse	Wels
Griffiths	Mosher	Westland
Gubser	Moss	Whalley
Hagen, Calif.	Multer	Wickersham
Halleck	Murphy	Widnail
Halpern	Natcher	Wright
Hansen	Nelsen	Yates
Harding	Nix	Zablocki
Hardy	Norblad	Zelenko
Harvey, Mich.	Nygaard	

NAYS—140

Abbitt	Bennett, Mich.	Davis,
Abernethy	Berry	James C.
Adair	Betts	Davis, John W.
Alexander	Bilch	Derwinski
Alford	Bonner	Devine
Alger	Bow	Dole
Andersen,	Bray	Dorn
Minn.	Brooks, La.	Dowdy
Anderson, Ill.	Brown	Durno
Andrews	Bruce	Findley
Ashbrook	Burleson	Fisher
Ashmore	Casey	Flynt
Baker	Cederberg	Forrester
Baring	Church	Gavin
Battin	Clancy	Grant
Becker	Collier	Gross
Beermann	Colmer	Hagan, Ga.
Belcher	Cunningham	Haley

Hall	McVey	St. George
Harris	Mack	Saylor
Harrison, Wyo.	Martin, Nebr.	Shadeberg
Harsha	Michel	Schenck
Harvey, Ind.	Minshall	Scherer
Hemphill	Moore	Shipley
Hiestand	Moorehead,	Short
Hoeven	Ohio	Sikes
Hoffman, Ill.	Morris	Siler
Hoffman, Mich.	Moulder	Smith, Calif.
Hull	Murray	Smith, Va.
Ichord, Mo.	Norrell	Stephens
Jennings	O'Konski	Taber
Jensen	Passman	Teague, Tex.
Johansen	Pfost	Thompson, La.
Jonas	Pilcher	Thomson, Wis.
Kearns	Pillion	Tuck
Kilgore	Poage	Utt
Kitchin	Poff	Van Pelt
Knox	Ray	Weaver
Laird	Reece	Wharton
Landrum	Riley	Whitener
Latta	Rivers, S.C.	Whitten
Lennon	Rogers, Fla.	Williams
Lipscomb	Rogers, Tex.	Willis
McCulloch	Roudebush	Wilson, Ind.
McDonough	Roush	Winstead
McIntire	Rousselot	Young
McMillan	Rutherford	Younger
McSween	Ryan	

NOT VOTING—10

Davis, Tenn.	Garland	Rabaut
Dominick	Harrison, Va.	Slack
Fino	Mason	Wilson, Calif.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Harrison of Virginia with Mr. Fino.
Mr. Rabaut with Mr. Wilson of California.
Mr. Davis of Tennessee with Mr. Garland.
Mr. Slack with Mr. Dominick.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill H.R. 8400.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMEND THE COMMUNICATIONS ACT OF 1934

Mr. HARRIS submitted the following conference report and statement on the bill (S. 2034) to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions:

CONFERENCE REPORT (H. REPT. NO. 996)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2034) to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert

the following: "That subsection (c) of section 5 of the Communications Act of 1934, as amended, relating to a 'review staff', is hereby repealed.

"Sec. 2. Subsection (d) of section 5 of the Communications Act of 1934, as amended, is amended to read as follows:

"(d) (1) When necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, the Commission may, by published rule or by order, delegate any of its functions (except functions granted to the Commission by this paragraph and by paragraphs (4), (5), and (6) of this subsection) to a panel of commissioners, an individual commissioner, an employee board, or an individual employee, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter; except that in delegating review functions to employees in cases of adjudication (as defined in the Administrative Procedure Act), the delegation in any such case may be made only to an employee board consisting of three or more employees referred to in paragraph (8). Any such rule or order may be adopted, amended, or rescinded only by a vote of a majority of the members of the Commission then holding office. Nothing in this paragraph shall authorize the Commission to provide for the conduct, by any person or persons other than persons referred to in clauses (2) and (3) of section 7(a) of the Administrative Procedure Act, of any hearing to which such section 7(a) applies.

"(2) As used in this subsection (d) the term "order, decision, report, or action" does not include an initial, tentative, or recommended decision to which exceptions may be filed as provided in section 409(b).

"(3) Any order, decision, report, or action made or taken pursuant to any such delegation, unless reviewed as provided in paragraph (4), shall have the same force and effect, and shall be made, evidenced, and enforced in the same manner, as orders, decisions, reports, or other actions of the Commission.

"(4) Any person aggrieved by any such order, decision, report or action may file an application for review by the Commission within such time and in such manner as the Commission shall prescribe, and every such application shall be passed upon by the Commission. The Commission, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine any order, decision, report, or action made or taken pursuant to any delegation under paragraph (1).

"(5) In passing upon applications for review, the Commission may grant in whole or in part, or deny such applications without specifying any reasons therefor. No such application for review shall rely on questions of fact or law upon which the panel of commissioners, individual commissioner, employee board, or individual employee has been afforded the opportunity to pass.

"(6) If the Commission grants the application for review, it may affirm, modify, or set aside the order, decision, report, or action, or it may order a rehearing upon such order, decision, report, or action in accordance with section 405.

"(7) The filing of an application for review under this subsection shall be a condition precedent to judicial review of any order, decision, report, or action made or taken pursuant to a delegation under paragraph (1). The time within which a petition for review must be filed in a proceeding to which section 402(a) applies, or within which an appeal must be taken under section 402(b), shall be computed from the date upon which public notice is given of orders disposing of all applications for review filed in any case.

"(8) The employees to whom the Commission may delegate review functions in any case of adjudication (as defined in the Administrative Procedure Act) shall be qualified, by reason of their training, experience, and competence, to perform such review functions, and shall perform no duties inconsistent with such review functions. Such employees shall be in a grade classification or salary level commensurate with their important duties, and in no event less than the grade classification or salary level of the employee or employees whose actions are to be reviewed. In the performance of such review functions such employees shall be assigned to cases in rotation so far as practicable and shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency.

"(9) The secretary and seal of the Commission shall be the secretary and seal of each panel of the Commission, each individual commissioner, and each employee board or individual employee exercising functions delegated pursuant to paragraph (1) of this subsection."

"Sec. 3. Section 405 of the Communications Act of 1934, as amended, is hereby amended to read as follows:

"REHEARINGS

"Sec. 405. After an order, decision, report, or action has been made or taken in any proceeding by the Commission, or by any designated authority within the Commission pursuant to a delegation under section 5(d)(1), any party thereto, or any other person aggrieved or whose interests are adversely affected thereby, may petition for rehearing only to the authority making or taking the order, decision, report, or action; and it shall be lawful for such authority, whether it be the Commission or other authority designated under section 5(d)(1), in its discretion, to grant such a rehearing if sufficient reason therefor be made to appear. A petition for rehearing must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of. No such application shall excuse any person from complying with or obeying any order, decision, report, or action of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such order, decision, report, or action, except where the party seeking such review (1) was not a party to the proceedings resulting in such order, decision, report, or action, or (2) relies on questions of fact or law upon which the Commission, or designated authority within the Commission, has been afforded no opportunity to pass. The Commission, or designated authority within the Commission, shall enter an order, with a concise statement of the reasons therefor, denying a petition for rehearing or granting such petition, in whole or in part, and ordering such further proceedings as may be appropriate: *Provided*, That in any case where such petition relates to an instrument of authorization granted without a hearing, the Commission, or designated authority within the Commission, shall take such action within ninety days of the filing of such petition. Rehearings shall be governed by such general rules as the Commission may establish, except that no evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or designated authority within the Commission believes should have been taken in the original proceeding shall be taken on any rehearing. The time within

which a petition for review must be filed in a proceeding to which section 402(a) applies, or within which an appeal must be taken under section 402(b) in any case, shall be computed from the date upon which public notice is given of orders disposing of all petitions for rehearing filed with the Commission in such proceeding or case, but any order, decision, report, or action made or taken after such rehearing reversing, changing, or modifying the original order shall be subject to the same provisions with respect to rehearing as an original order."

"Sec. 4. Section 409 (a), (b), (c), and (d) of the Communications Act of 1934, as amended, are amended to read as follows:

"(a) In every case of adjudication (as defined in the Administrative Procedure Act) which has been designated by the Commission for hearing, the person or persons conducting the hearing shall prepare and file an initial, tentative, or recommended decision, except where such person or persons become unavailable to the Commission or where the Commission finds upon the record that due and timely execution of its functions imperatively and unavoidably require that the record be certified to the Commission for initial or final decision.

"(b) In every case of adjudication (as defined in the Administrative Procedure Act) which has been designated by the Commission for hearing, any party to the proceeding shall be permitted to file exceptions and memoranda in support thereof to the initial, tentative, or recommended decision, which shall be passed upon by the Commission or by the authority within the Commission, if any, to whom the function of passing upon the exceptions is delegated under section 5(d)(1): *Provided, however*, That such authority shall not be the same authority which made the decision to which the exception is taken.

"(c) (1) In any case of adjudication (as defined in the Administrative Procedure Act) which has been designated by the Commission for a hearing, no person who has participated in the presentation or preparation for presentation of such case at the hearing or upon review shall (except to the extent required for the disposition of ex parte matters as authorized by law) directly or indirectly make any additional presentation respecting such case to the hearing officer or officers or to the Commission, or to any authority within the Commission to whom, in such case, review functions have been delegated by the Commission under section 5(d)(1), unless upon notice and opportunity for all parties to participate.

"(2) The provision in subsection (c) of section 5 of the Administrative Procedure Act which states that such subsection shall not apply in determining applications for initial licenses, shall not be applicable hereafter in the case of applications for initial licenses before the Federal Communications Commission.

"(d) To the extent that the foregoing provisions of this section and section 5(d) are in conflict with the provisions of the Administrative Procedure Act, such provisions of this section and section 5(d) shall be held to supersede and modify the provisions of that Act."

"Sec. 5. Notwithstanding the foregoing provisions of this Act, the second sentence of subsection (b) of section 409 of the Communications Act of 1934 (which relates to the filing of exceptions and the presentation of oral argument), as in force at the time of the enactment of this Act, shall continue to be applicable with respect to any case of adjudication (as defined in the Administrative Procedure Act) designated by the Federal Communications Commission for hearing by a notice of hearing issued

prior to the date of the enactment of this Act."

And the House agree to the same.

OREN HARRIS
WALTER ROGERS
JOHN J. FLYNT, JR.
JOHN E. MOSS
PAUL G. ROGERS
JOHN B. BENNETT
W. L. SPRINGER
J. ARTHUR YOUNGER
VERNON W. THOMSON

Managers on the Part of the House

JOHN O. PASTORE
STROM THURMOND
GALE W. MCGEE
CLIFFORD P. CASE
NORRIS COTTON

Managers on the Part of the Senate

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2034) to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

This legislation deals exclusively with amendments to the Communications Act of 1934, referred to herein as "the Act".

Insofar as the substitute agreed to in conference differs from the House amendment in substance, the differences are explained below. Otherwise, except for clerical, conforming, and minor technical changes, the substitute agreed to in conference is the same as the House amendment.

DISPOSITION OF APPLICATIONS FOR REVIEW BY THE COMMISSION

The proposed paragraph (4) of subsection (d) of section 5 of the act, as contained in this legislation, provides that where a person is aggrieved by an order, decision, report, or action taken by any authority (that is, a panel of commissioners, an individual commissioner, or an employee board) in the exercise of review functions delegated to it by the FCC, such aggrieved person may file an application for review by the full Commission. Paragraph (4) provides that every such application shall be passed upon by the full Commission. The function of passing upon such applications is a function which under this legislation the Commission will not be authorized to delegate to anyone else.

In the House amendment, paragraph (4) contained a proviso authorizing the Commission by published rule or by order to limit the right to file such applications for review by the full Commission, in cases of adjudication (as defined in the Administrative Procedure Act), to proceedings involving issues of general communications importance.

The bill as passed by the Senate contained no such provision.

This provision is not retained in the conference substitute. The Senate members of the committee of conference did not favor it. Furthermore, some of the House members of the committee of conference did not favor the provision.

Those who favored retaining the provision felt that it would aid the members of the Commission to relieve themselves of the necessity of passing on applications for review in many cases which are relatively unimportant and of a routine nature, thereby enabling them to devote more time to the consideration of questions of relatively

major importance. However, those opposed to the provision made the point that since a party could always raise the issue of "general communications importance" and argue that his case fell in that category, the time which might be consumed by the Commission in considering and ruling on this issue might very well offset any saving of time which might otherwise be achieved by exercising the authority granted by the proviso. Furthermore, it was pointed out that the burden of passing upon applications for review is not necessarily a heavy one, since the Commission will not be required, under the legislation, to specify any reasons for its action when it grants or denies an application for review.

INDIVIDUALS SERVING ON EMPLOYEE BOARDS

Under this legislation the Commission would be authorized to delegate review functions in cases of adjudication (as defined in the Administrative Procedure Act) to boards of employees.

Both the bill as passed by the Senate and the House amendment contained special provisions with respect to the employees to whom such delegations may be made.

The Senate provision provided that such functions could be delegated to employees "who by reason of their training, experience, competence, and character are especially qualified to perform such review functions." It also provided that insofar as practicable such functions should be delegated only to employees who are "in a grade classification or salary level equal to or higher than the employee or employees whose actions are to be reviewed."

The House provision provided that such employees shall be "well qualified, by reason of their training, experience, and competence, to perform such review functions." The House provision also provided that such employees should be given no other duties than the duty of exercising such review functions. As to compensation, it provided that such employees should be paid "compensation at rates commensurate with the difficulty and importance of their duties." It contained another provision to the effect that such employees "shall not be responsible to, or subject to the supervision or direction of, any person engaged in the performance of investigative or prosecuting functions for the Commission or any other agency of the Government."

In the substitute agreed to in conference the provision on this subject, designated as paragraph (8), is similar to the provision in the House amendment but there are some differences.

Instead of providing that such employees shall perform no other duties than those concerned with the exercise of such review functions, the conference substitute provides that such employees shall "perform no duties inconsistent with such review functions".

The FCC has submitted the following examples of additional duties which, in its opinion, would not be inconsistent with the review function and which therefore could be assigned to employees serving on employee boards:

1. Drafting or analyzing legislation.
2. Studying procedures of the FCC with a view to expediting cases.
3. Assignment to Administrative Conference of the United States and performance of duties in connection with the work of such Conference.
4. Assisting Commissioners in the drafting of opinions.

The substitute provides that such employees be "in a grade classification or salary level commensurate with their important duties, and in no event less than the grade classification or salary level of the employee or employees whose actions are to be reviewed". It also contains a provision which was not in the House amendment, that in

the performance of such review functions such employees shall be assigned to cases in rotation so far as practicable.

AUTHORITY TO PASS UPON EXCEPTIONS

There was another difference between the Senate bill and the House amendment—a difference more of language than of substance. In the Senate bill, in the provision (subsec. (b) of sec. 409) authorizing parties to file exceptions to initial, tentative, or recommended decisions, a proviso was included stating in effect that the authority to which the Commission delegates the function of passing on the exceptions to such a decision shall not be the same authority which made the decision. Although the House amendment contained no similar provision, it is believed that the same result would have been reached under the House amendment, reading it as a whole. Certainly there was no intention that the maker of the decision could be given authority to review its own decision. The Senate proviso is retained in the conference substitute in order that this will be abundantly clear.

OREN HARRIS,
WALTER ROGERS,
JOHN J. FLYNT, JR.,
JOHN E. MOSS,
PAUL G. ROGERS,
JOHN B. BENNETT,
WILLIAM L. SPRINGER,
J. ARTHUR YOUNGER,
VERNON W. THOMSON,

Managers on the Part of the House.

COMMITTEE ON EDUCATION AND LABOR

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight tonight to file a report on the bill H.R. 8723.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CORRECTION OF THE RECORD

Mr. SAUND. Mr. Speaker, on page 14993 of the RECORD of August 16, the text of my amendment is misprinted.

At the bottom of the second column should read as follows:

SEC. 202. CAPITALIZATION.—There is hereby authorized to be appropriated to the President not to exceed \$1,200,000,000 for use beginning in the fiscal year 1962 to carry out the purposes of this title, which sums shall remain available until expended.

ADJOURNMENT UNTIL MONDAY, AUGUST 21

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week be dispensed with.