limitation on those special temporary authorizations in cases not contemplating a subsequent application for regular operation. It is in this area that the 30-day limitation is appropriately applied, since its purpose is to permit short-term radio operation in the nonbroadcast field without the delay of a 30-day waiting period (as provided in subsec. 309(b)), after the issuance of public notice by the Commission of the acceptance for filing of such application.

In those cases where the short-term operation relates to a radio system for which an application for regular operation is filed later, however, this purpose is frustrated because the provisions of section 309(b) are applicable and a 30-day waiting period is required before the Commission can act on the application for regular operation. As a result, there is a hiatus between the expiration of the special temporary authorization and the Federal Communications Commission's grant of the application for regular operation during which the applicant is unlicensed and, as a consequence, he is unable to operate his radio. Moreover, it does not appear that the Federal Communications Commission has the authority to remedy this statutory defect by renewing the special temporary authorization until it can grant the application for regular operation.

The bill herein reported would permit the Commission to grant special temporary authorizations for 60 days in those cases where the application for the special temporary authorization is filed pending the filing of application for regular operation while leaving unchanged the 30-day limitation on those special temporary authorizations in cases not contemplating a subsequent application for regular operation. Thus, the hiatus which now exists in those cases where an application for regular operation is subsequently filed would be eliminated.

Mr. JAVITS. Mr. President, what is the bill all about? Does it have anything to do with campaigns or debates?

Mr. SMATHERS. Mr. President, the bill has nothing to do with campaigns. It is a change requested by the administration. The bill was introduced by the Senator from Rhode Island [Mr. PASTORE] and approved unanimously by the Committee on Commerce and the subcommittee headed by the Senator from Rhode Island [Mr. PASTORE]. It has been cleared by the leadership on both sides of the aisle.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2)(G) of subsection 309(c) of the Communications Act of 1934, as amended (47 U.S.C. 309(c)(2)(G)), is amended to read as follows:

"(G) a special temporary authorization for nonbroadcast operation not to exceed thirty days where no application for regular operation is contemplated to be filed or not to exceed sixty days pending the filing of an application for such regular operation, or".

FILING OF PETITIONS OF INTERVENTION UNDER COMMUNICATIONS ACT OF 1934

Mr. SMATHERS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 478, Senate bill 1193.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1193) to amend section 307(e) of the Communications Act of 1934, to require that petitions for intervention be filed not more than 30 days after publication of the hearing issues in the Federal Register.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SMATHERS. Mr. President, the proposal is a technical change requested by the Federal Communications Commission. It was unanimously supported by all members of the Committee on Commerce, including Senators on both sides of the aisle. It has been cleared by the leadership on both sides of the aisle.

I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 499), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of S. 1193 is to amend section 309(e) of the Communications Act of 1934, as amended (47 U.S.C. 309(e)), to require a party in interest who wishes to intervene in a hearing to signify his intention to do so not more than 30 days after publication of the hearing issues, or any substantial amendment thereto, in the Federal Register.

GENERAL STATEMENT

This bill was introduced by Senator WARREN G. MAGNUSON at the request of the Federal Communications Commission. A hearing thereon was held on September 4, 1963, at which the Federal Communications Commission Chairman, E. William Henry, testified in support of the proposal. No witness appeared in opposition to the bill.

Under the present provisions of the Communications Act of 1934, as amended, when an application has been designated for hearing, any party in interest who has not been notified of the designation for hearing can acquire the status of a party to the proceeding by filing a petition for intervention showing the basis for his interest at any time not less than 10 days prior to the actual start of the hearing. According to the Commission, the present procedure which permits filings up until 10 days prior to the date of the hearing has interfered with the expeditious handling and disposition of hearing cases.

The Commission contends that the enactment of S. 1193 would enhance the effectiveness of the prehearing conference which is one of the chief techniques for expediting the formal hearing. Their experience shows that prehearing discussions and negotiations, and the stipulations and agreements of the parties reached as a result thereof, are an effective means of insuring not only an expeditious hearing, but as well, that the hearing record may be kept down in size to the minimum consistent with the rights of the participants. Because of the present requirements permitting intervention up to 10 days before a hearing actually starts, the effectiveness of the prehearing techniques and the effect of valuable stipulations and time-saving agreements reached by other participants during the several prehearing conferences held over a period of months may be destroyed because an intervenor did not become a party to the case at an earlier date. Under the provisions of S. 1193, once the hearing issues are published by the Federal Communications Commission, any interested person knows at the time whether he will have to participate in the hearing to protect his own interest. The Commission feels that in requiring parties in interest to intervene within 30 days after the publication of the hearing issues is an ample and reasonable period to afford parties to determine whether it is necessary for them to intervene.

The 30-day period provided in the proposal is consistent with the time allowed in many other sections of the Communications Act. For example, section 402(e) allows interested persons to intervene in appeals from Commission decisions within 30 days after the filing of any such appeal with the court of appeals. (See also secs. 402(c) and 405.)

This legislation will discourage dilatory tactics now possible under the present provisions and will substantially eliminate the need for holding repeated prehearing conferences. It will also have the virtue of providing a date certain for intervention, thus eliminating the present situation where the date for intervention changes every time the date for commencement of the hearing is changed. Thus, adoption of this legislation will be another step in eliminating delays and backlogs in the administrative process.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(e) of the Communications Act of 1934, as amended, is amended to read as follows:

"(e) If, in the case of any application to which subsection (a) of this section applies, a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding specified in such subsection, it shall formally designate the application for hearing on the ground or reasons then obtaining and shall forthwith notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue but not including issues or requirements phrased generally. When the Commission has so designated an application for hearing, the parties in interest, if any, who are not notified by the Commission of such action may acquire the status of a party to the proceeding thereon by filing a petition for intervention showing the basis for their interest not more than thirty days after publication of the hearing issues or any substantial amendment thereto in the Federal Register. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate. The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission."

VALIDATION OF CERTAIN RICE ACREAGE ALLOTMENTS

Mr. SMATHERS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 482, House Joint Resolution 192.