

H.R. 2457. An act to amend title V of the Merchant Marine Act, 1936, in order to clarify the construction subsidy provisions with respect to reconstruction, reconditioning, and conversion, and for other purposes (Rept. No. 352).

By Mr. KERR, from the Committee on Public Works, with amendments:

S. 120. A bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control (Rept. No. 353).

ADDITIONAL FUNDS FOR COMMITTEE ON COMMERCE

Mr. MAGNUSON, from the Committee on Commerce, reported an original resolution (S. Res. 156) to provide additional funds for the Committee on Commerce, which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Commerce is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, for the purposes specified in section 134(a) of the Legislative Reorganization Act of 1946, \$10,000 in addition to the amount authorized in such section.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2026. A bill to provide assistance for certain landless Indians in the State of Montana; to the Committee on Interior and Insular Affairs.

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. BENNETT, Mr. BIBLE, Mr. BRIDGES, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CAPEHART, Mr. CARLSON, Mr. CARROLL, Mr. COOPER, Mr. DWORSHAK, Mr. FONG, Mr. HICKENLOOPER, Mr. HICKEY, Mr. HOLLAND, Mr. KEFAUVER, Mr. MANSFIELD, Mr. METCALF, Mr. MILLER, Mr. MOSS, Mr. MUNDT, Mrs. NEUBERGER, Mr. SCHOEPEL, Mr. SYMINGTON, Mr. WILEY, Mr. YOUNG of North Dakota, Mr. MCGEE, Mr. GRUENING, and Mr. DIRKSEN):

S. 2027. A bill to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the enactment of the Homestead Act; to the Committee on Post Office and Civil Service. (See the remarks of Mr. CURTIS when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE (for himself and Mr. MCCLELLAN):

S. 2028. A bill to amend section 303 of the Defense Production Act of 1950, as amended, by providing for access to contractors' records by the Comptroller General; to the Committee on Banking and Currency.

By Mr. LAUSCHE:

S. 2029. A bill to revise the laws relating to depository libraries; to the Committee on Rules and Administration.

(See the remarks of Mr. LAUSCHE when he introduced the above bills, which appear under separate headings.)

By Mrs. NEUBERGER:

S. 2030. A bill to provide that the Secretary of Commerce shall conduct a study to

determine the desirability and practicability of the adoption by the United States of the metric system of weights and measures; to the Committee on Commerce.

(See the remarks of Mrs. NEUBERGER when she introduced the above bill, which appear under a separate heading.)

By Mr. CLARK:

S. 2031. A bill to exempt from coverage under the old-age, survivors, and disability insurance program self-employed individuals who hold certain religious beliefs; to the Committee on Finance.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

S. 2032. A bill consenting to the amendment of the compact between the States of Pennsylvania and Ohio relating to Pymatuning Lake; to the Committee on the Judiciary.

By Mr. RUSSELL (for himself and Mr. TALMADGE):

S. 2033. A bill to amend section 90 of title 28, United States Code, so as to provide for a new division within the Northern Judicial District of the State of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 2034. A bill 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; and

S. 2035. A bill to provide that section 315 of the Communications Act of 1934 shall not apply to candidates for the offices of President and Vice President of the United States, U.S. Senator and Representative, and Governor of any State; to the Committee on Commerce.

(See the remarks of Mr. PASTORE when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 2036. A bill to authorize pilot training and employment programs for youth including on-the-job and other appropriate training, local public service programs, and conservation programs; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 2037. A bill to amend the Interstate Commerce Act and certain supplementary and related acts with respect to the requirement of an oath for certain reports, applications, and complaints filed with the Interstate Commerce Commission; and

S. 2038. A bill to create the National Capital Airports Corporation, to provide for operation of the federally owned civil airports in the District of Columbia or its vicinity by the Corporation, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. MAGNUSON:

S. 2039. A bill to direct the Secretary of Commerce to undertake studies of the economic effects of deactivating certain permanent military installations situated in areas of substantial unemployment; to the Committee on Commerce.

By Mr. KUCHEL:

S. 2040. A bill for the relief of Zenzaburo Yasuda; to the Committee on the Judiciary.

By Mr. SYMINGTON:

S. 2041. A bill for the relief of Triantafilla Swteriou Zougias; to the Committee on the Judiciary.

By Mr. CURTIS (for himself, Mr. HRUSKA, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. BRIDGES, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CAPEHART, Mr. CARLSON, Mr. CARROLL, Mr. COOPER, Mr. DWORSHAK, Mr. FONG, Mr. HICKENLOOPER, Mr. HICKEY, Mr. HOLLAND, Mr. KEFAUVER, Mr. MANSFIELD, Mr. METCALF, Mr. MILLER, Mr. MOSS, Mr. MUNDT, Mrs. NEUBERGER, Mr. SCHOEPEL, Mr. SYMINGTON, Mr. WILEY, Mr. YOUNG of North Dakota, Mr. MCGEE, Mr. JOHNSTON, Mr. GRUENING, and Mr. DIRKSEN):

S.J. Res. 98. Joint resolution to provide for the observance of the centennial of the enactment of the Homestead Act; to the Committee on the Judiciary.

(See the remarks of Mr. CURTIS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S.J. Res. 99. Joint resolution to commemorate the 75th anniversary of the Interstate Commerce Commission; to the Committee on the Judiciary.

(See the remarks of Mr. MAGNUSON when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

ADDITIONAL FUNDS FOR COMMITTEE ON COMMERCE

Mr. MAGNUSON, from the Committee on Commerce, reported an original resolution (S. Res. 156) to provide additional funds for the Committee on Commerce, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. MAGNUSON, which appears under the heading "Reports of Committees.")

COMMEMORATION OF 100TH ANNIVERSARY OF ENACTMENT OF THE HOMESTEAD ACT

Mr. CURTIS. Mr. President, in 1962, we shall observe the 100th anniversary of the enactment of the Homestead Act. A great many historians of considerable prominence and authority have declared that the Homestead Act was the finest act ever passed by a legislative body in order to place public lands in the hands of its citizens.

The Homestead Act has given us a nation of property owners. It was the Homestead Act that built the West. Following the war, the men who wore the blue and those who wore the gray participated in homesteading, and all of them contributed a great part to the building of the West.

Mr. President, I introduce, for appropriate reference, two measures. One is a joint resolution, introduced by me on behalf of myself, my colleague, the senior Senator from Nebraska [Mr. HRUSKA], and Senators BENNETT, BIBLE, BOGGS, BRIDGES, BURDICK, BYRD of Virginia, CAPEHART, CARLSON, CARROLL, COOPER, DWORSHAK, FONG, HICKENLOOPER, HICKEY, HOLLAND, KEFAUVER, MANSFIELD, METCALF, MILLER, MOSS, MUNDT, NEUBERGER, SCHOEPEL, SYMINGTON, WILEY,

April when three horses belonging to Valentine Y. Byler, of New Wilmington, Pa., were seized and sold by the Internal Revenue Service to meet Mr. Byler's unpaid social security self-employment tax. Mr. Byler, a farmer, is an adherent of the Amish faith, which teaches its members to avoid insurance in any form. He therefore declined to pay his social security tax in the years 1956-59, although he quite properly reported the tax on his returns for those years. The Commissioner of Internal Revenue subsequently indicated his agency had no choice but to enforce collection of Mr. Byler's tax, which amounted with interest to \$308.96. Present law, the Commissioner explained, does not permit to laymen any exception from the social security tax obligation because of religious conviction.

Permitting exception from the operation of general laws where religious principles conflict, and the exception does not operate to the detriment of the general welfare, is well established in American legislative custom. For example, selective service legislation has for many years permitted registrants who are adherents of the "peace churches" or who give satisfactory evidence of religious objection to military service to be designated conscientious objectors. Indeed, when social security was extended to include most professional groups, members of the clergy were permitted to participate on a voluntary basis. This variation from the usual procedure of compulsory coverage was specifically designed to permit ministers objecting to social insurance on religious grounds to stay out of the social security system. I do not believe the Congress intended to extend to ministers religious privileges not also open to laymen. In fact, I am inclined to suspect the right to the type of religious dissent which Mr. Byler attempted to express may be implicitly guaranteed in the first amendment to the U.S. Constitution. Unfortunately, this question will remain moot, since another characteristic tenet of Amish social ethics is a mandate against entering into litigation.

The design of my bill is simple. It would permit any adherent of a recognized church or religious sect, the teachings of which forbid its members from accepting social insurance benefits of the type provided by social security, to file with the appropriate government official an exemption certificate. Following the filing of the certificate, the individual would be relieved of payment of social security self-employment taxes and would cease to be eligible for those benefits he otherwise would have been accruing.

The number of persons affected by the bill is small, probably not more than 3,000 persons all told, according to Internal Revenue Service figures. Mostly they are quiet farmers. Experience has shown that their refusal to buy insurance does not result in their becoming public charges. Their religion requires them to take care of their own, and they do. The Amish, because of their small number and because of the non-worldly character of their lives, are a people virtually without political influence.

Whether or not they continue to be subjected to an inequitable tax thus depends solely on whether the Congress believes in legislating with compassion. I for one am convinced it does.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2031) to exempt from coverage under the old-age, survivors, and disability insurance program self-employed individuals who hold certain religious beliefs, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Finance.

AUTHORIZATION FOR FEDERAL COMMUNICATIONS COMMISSION TO DELEGATE FUNCTIONS IN ADJUDICATORY CASES

Mr. PASTORE. Mr. President, I introduce, for appropriate reference, a bill 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. I ask unanimous consent that the bill, together with a section-by-section analysis, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

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, introduced by Mr. PASTORE, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 5 of the Communications Act of 1934, as amended, is hereby repealed.

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

"(c) (1) When necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, the Commission may, by rule or order, delegate any of its functions 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, and may at any time amend, modify, or rescind any such rule or order. Nothing in this subsection shall modify the provisions of section 7(a) of the Administrative Procedure Act.

"(2) Any order, decision, or report made or other action taken, pursuant to any such delegation, unless reviewed as provided in subsection (3), 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.

"(3) Any person aggrieved by any such order, decision or report may file an application for review by the Commission within such time and in such manner as the Commission shall prescribe. The Commission shall have authority on its own initiative to order any matters delegated under subsection (1) before it for review on such conditions as it shall prescribe and shall make such orders therein, consistent with law, as shall be appropriate.

"(4) 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 individual commissioner, panel of commissioners, employee board, or individual employee, has been afforded no opportunity to pass.

"(5) If the Commission grants the application for review, it may affirm, modify, or set aside the order, decision, or report made, or other action taken in accordance with section 405.

"(6) The filing of an application for review shall be a condition precedent to judicial review of any order, decision, or report made or other action taken. 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.

"(7) 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 subsection (1) of this section."

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

"After a decision, order, or requirement has been made in any proceeding by the Commission or designated authority within the Commission under section 5(c) (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 the decision, order, or requirement; and it shall be lawful for such authority, whether it be the Commission or other authority designated under section 5(c) (1), in its discretion, to grant such a rehearing if sufficient reason therefor be made to appear. Petitions for rehearing must be filed within thirty days from the date upon which public notice is given of any decision, order, or requirement complained of. No such application shall excuse any person from complying with or obeying any decision, order, or requirement 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 decision, order, or requirement, except where the party seeking such review (1) was not a party to the proceedings resulting in such decision, order, or requirement, 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 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. 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 petitions for rehearing filed with the Commission in any case, but any decision, order, or requirement made 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 for hearing by the Commission, the hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act and such other rules as the Commission may prescribe not inconsistent therewith.

"(b) In such cases any party to the proceeding shall be permitted to file exceptions and memoranda in support thereof to such initial, tentative, or recommended decision, which shall be passed upon by the Commission or the authority to whom the matter may have been delegated under section 5(c) (1).

"(c) In any case of adjudication (as defined in the Administrative Procedure Act) which has been designated for hearing by the Commission, no person except to the extent required for the disposition of ex parte matters as authorized by law, shall directly or indirectly make any presentation respecting such case to the hearing officer, unless upon notice and opportunity for all parties to participate; provided that a Commissioner conducting the hearing shall be permitted to consult with his assistants and to participate, without restriction because of his conduct of the hearing, with the Commission upon review of the case or any other matter; provided further that examiners shall be permitted to consult with other examiners on questions of law. No person except to the extent required for the disposition of ex parte matters as authorized by law, and except for officers, employees or agents of the Commission not engaged in the performance of investigative or prosecuting functions for the Commission in such case or a factually related case, shall directly or indirectly make any presentation respecting such case to the Commission or designated authority within the Commission, unless upon notice and opportunity for all parties to participate.

"(d) To the extent that the foregoing provisions of this section and section 5(c) (4) are in conflict with the provisions of the Administrative Procedure Act, such provisions of this section and section 5(c) (4) shall be held to supersede and modify the provisions of the 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) set for hearing by the Federal Communications Commission by a notice of hearing issued prior to the date of the enactment of this Act.

The section-by-section analysis presented by Mr. PASTORE is as follows:

SECTION-BY-SECTION ANALYSIS

1. Section 1 would repeal the provisions of section 5(c) of the Communications Act, relating to the review staff. Under these

provisions, the review staff, even though it has no other functions than assist the Commission in adjudicatory cases, is nevertheless precluded from making any recommendations to the Commission. This restriction is wasteful and inefficient, since it deprives the Commission of the full assistance of which this review staff is capable, and requires the two-step procedure of instructions and draft order even as to the most routine interlocutory matters. The repeal of these unduly restrictive provisions should contribute to speedier action, without depriving parties of any rights in view of the continuing safeguards of section 409(c) of the Communications Act and section 5(c) of the Administrative Procedure Act.

2. Section 2 would permit the Commission to delegate any of its functions, including those in adjudicatory cases, to a panel of Commissioners, or individual Commissioners or employees, or an employee board (with the exception that adjudicatory hearings could only be conducted by one of the three authorities specified in section 7(a) of the Administrative Procedure Act). The decision of the authority to whom the matter was delegated could then be reviewed, in whole or in part, by the Commission, either upon its own initiative or upon an application for review filed by a person aggrieved by the decision; but the Commission could deny such application without assigning any reasons therefor. The filing of an application for review is made a condition precedent to judicial review of a delegated decision; and the application cannot rely on questions of fact or law upon which the delegated authority has been afforded no opportunity to pass. In this way, the case will be presented to the Commission (and if the application is denied, to the courts) with a ruling on every issue, and the Commission will have an opportunity to review the decision before the matter goes before the courts.

These provisions will give the Commission much needed authority, now withheld under present section 5(d) (1), to employ panels of Commissioners or employee boards to pass on adjudicatory cases. Under the present law, it is necessary for the full Commission to hear every adjudicatory case, including such matters as fishing boat suspensions or the most routine aural broadcast cases. With the new authority the Commission will be able to concentrate on the important cases involving major policy or legal issues, and the hearing of all cases by some authority within the agency should be substantially expedited.

3. Section 3 would revise section 405, relating to petitions for rehearing, so as to reflect the above-described statutory scheme. As revised, the section would permit an aggrieved party to file a petition for rehearing only to the authority making the decision, that is, to the Commission, if it made the decision, or to the designated authority under the new 5(c) (1), if it issued the decision.

4. Section 4 would make extensive revisions in section 409, which contains general provisions relating to adjudicatory proceedings. First, it specifies in subsection (a) that the hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act and such other rules as the Commission may prescribe not inconsistent therewith. This latter provision is intended to make clear that the Commission, in its discretion, may adopt hearing safeguards even more stringent than those specified in the Administrative Procedure Act. Further, subsection (a) amends the present 409(a) by permitting one or more Commissioners to conduct the hearing, in accordance with the provisions of 7(a) of the Administrative Procedure Act.

Second, subsection (b) would retain the right of a party to file exception, which must be passed upon by the Commissioner or a designated authority within the Commission (e.g., a panel of Commissioners or employee

board); it would eliminate the other provisions of 409(b) as unnecessary in view of the provisions of section 8 of the Administrative Procedure Act.

Further, it would change the existing law by making oral argument discretionary rather than mandatory. This does not mean that oral argument will no longer be available. On the contrary, it is expected that this valuable procedure would still be greatly employed by the Commission or the panels or employee boards. But the Commission would now have the discretion not to allow such argument in those instances where in its judgment it would serve no useful purpose, as for example in the case of a frivolous appeal or one having no merit or designed largely to gain delay. Every other major Federal regulatory agency presently has such discretion; clearly, the Commission should be given similar flexibility.

Third, the provisions of subsection (c) relating to ex parte presentations and separation of functions would be changed as follows:

(i) Any person, and not just those who have participated in the presentation or preparation for presentation of the case, would be enjoined from making ex parte presentations to the hearing officer or the Commission or designated authority within the Commission. This would extend the present salutary provision.

(ii) Examiners would be permitted to consult with other examiners on questions of law. Full and free discussion among the Commission's examiners of the legal issues in their cases should result in improving the quality of initial decisions and in expediting their preparation. Significantly, examiners in other agencies are governed by the standard in section 5(c) of the Administrative Procedure Act and thus are free to consult among themselves on questions of law; there is clearly no reason for proscribing such consultation in the case of the examiners of this one agency.

(iii) Where a Commissioner conducts the hearing, he may freely consult with his assistants (see sec. 4(f) (2)), and may participate in Commission discussion of the case or any other matter having similar or related issues without any restriction because of the fact that he was the hearing officer in the particular case. This provision is in line with the last sentence of section 5(c) of the Administrative Procedure Act and is intended to make clear that a Commissioner conducting a hearing may continue to participate in all Commission activities and to hear staff presentations in any matter, without raising the claim that an "indirect" ex parte presentation has been made to him.

(iv) There would be eliminated the provisions in present section 409(c) (2) and (3) proscribing in adjudicatory cases any staff contact with the Commission by the offices of General Counsel, the Chief Engineer, or Chief Accountant. Instead, only staff persons who had engaged in the performance of investigative or prosecuting functions in the case or a factually related one would be precluded from participating in the intra-Commission discussions leading to the issuance of the decision. This is the standard set out in section 5(c) of the Administrative Procedure Act, and, being directed squarely to the fairness problem involved, it is obviously the correct one. Virtually all the major administrative agencies have functioned well under it. There is thus every reason to permit the Commission to return to it. For, it is clearly wasteful to cut off the Commission in an adjudicatory case from the valuable assistance of its chief legal and engineering officers, where these officers have had no investigative or prosecutory connection with the case (or a factually related one).

Finally, subsection (d) provides that to the extent the foregoing provisions or those of the new section 5(c) (4) conflict with the provisions of the Administrative Procedure Act, the latter are superseded. This is made necessary by the statement in section 12 of the Administrative Procedure Act that no subsequent legislation shall be deemed to supersede the provisions of the act "except to the extent that such legislation shall do so expressly." This legislation clearly goes beyond the Administrative Procedure Act in two respects:

(i) The Administrative Procedure Act, in section 5(c), exempts initial licensing proceedings from the separation of functions provision; section 409(c) would include such proceedings in its reference to "any case of adjudication (as defined in the Administrative Procedure Act)." See section 2(d) of the Administrative Procedure Act.

(ii) The restriction in section 5(c) of the Administrative Procedure Act on ex parte consultation by a hearing officer is limited to "any fact in issue"; the new section 409(c) would extend the limitation to questions of law also (with the proviso that the examiner could consult with another examiner on such questions).

Section 409(b) would also appear to go beyond the provisions of section 8 of the Administrative Procedure Act by bestowing on the parties the right to file exceptions to the initial decision. Finally, it has been argued that a ruling on the merits of every pleading filed in the case is required under sections 6(d) and 8(b) of the Administrative Procedure Act. Whatever the validity of this argument, section 409(d) of the bill, by its explicit reference to the new section 5(c) (4) which authorizes denial, without assigning reasons, of the application for review of a delegated decision, obviates any question on this score.

5. Section 5 provides that all cases set for hearing by the Commission prior to the date of enactment shall continue to be governed by the second sentence of the present section 409(b). This means that in such cases the Commission must hear oral argument upon the request of the parties.

YOUTH EMPLOYMENT OPPORTUNITIES ACT OF 1961

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference a bill entitled "Youth Employment Opportunities Act of 1961." This measure is recommended and supported by the administration.

I acknowledge a privilege given me by the administration to introduce this bill. It has been given to me because of my long held interest in the problems of youth—but especially of my particular concern that we reestablish a youth conservation corps dedicated to the purpose of properly conserving and developing our human and natural resources.

It was a source of great satisfaction to me, 2 years ago, that the Senate recognized the importance of this program, when under the leadership of the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Pennsylvania [Mr. CLARK] it passed my proposal (S. 812) to establish a youth conservation corps providing for a first year's enrollment of 50,000 young men, a second year at 100,000 and succeeding years at 150,000. The President of the United States was then a member of the Senate Labor Committee and he played a significant role in the improvements made by that committee in the bill that I introduced, and his good work was instrumental in

securing Senate passage. Thus I am doubly delighted that the concept of this legislation is a part of the President's program.

There is now before the Senate Committee on Labor and Public Welfare, S. 404, sponsored by 22 members of this body which is identical with S. 812. I am confident that the Subcommittee on Employment and Manpower chaired by the able senior Senator from Pennsylvania [Mr. CLARK] who also played a key role in the perfection of S. 812 two years ago, will proceed expeditiously.

I know the subcommittee will recognize the Youth Conservation Corps is not an experimental program but rather one of proven value. Thus the Youth Employment Opportunities Act of 1961 will receive, I am sure, full and proper consideration along with S. 404.

In conclusion, Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a letter of transmittal from the President to the President of the Senate, a letter from Arthur J. Goldberg, Secretary of Labor, to the President, and a statement of explanation on the Youth Employment Opportunities Act of 1961.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters and statement of explanation will be printed in the RECORD.

The bill (S. 2036) to authorize the pilot training and employment programs for youth including on-the-job and other appropriate training, local public service programs, and conservation programs, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The letters and statement of explanation presented by Mr. HUMPHREY are as follows:

JUNE 7, 1961.

Hon. LYNDON B. JOHNSON,
President of the U.S. Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am transmitting herewith a draft bill to provide useful employment and training on a pilot basis for young men and women between the ages of 16 and 22.

As set forth in more detail in the enclosed letter to me from the Secretary of Labor and the accompanying memorandum, this legislation would provide pilot programs over a 3-year period, designed to develop the most effective methods of assisting our young people in acquiring the skills necessary for productive employment. The draft legislation would establish three different pilot programs through which young people can equip themselves for suitable employment: (1) on-the-job training, (2) a Youth Conservation Corps, and (3) local public service and public works programs performed in the areas in which the youths reside.

The progress we make as a Nation depends upon the use we make of our resources, including manpower. And it is especially important that our young people—the real key to our national future—be prepared to contribute to our economic growth.

Forecasts of the difficulty they can expect to meet in the next few years in finding suitable employment make it clear that we must act without delay. The approaches to this problem proposed in the attached draft will provide a solid base upon which an effective program can be built. We believe, too, that they will stimulate action by all elements of

our communities, both public and private, in developing employment opportunities and training for our youth.

A letter similar to this is being sent to the Speaker of the House of Representatives.

Sincerely,

JOHN F. KENNEDY.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 2, 1961.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft bill relating to the employment and training of youth which you indicated in your message of May 25 on urgent national needs you would be submitting to the Congress shortly. I am also attaching a statement explaining in some detail the bill's objectives and provisions.

The need of young people for training and jobs is imperative. Their future outlook is extremely dark unless constructive plans and programs are developed to assist them. In October 1960 some 300,000 young men and 150,000 young women from 16 to 20 years of age were unemployed. By 1965 we will have 40 percent more persons under 20 years of age in our labor force. By that time an additional 800,000 young people are expected to be looking for jobs. A much higher proportion of young people are unemployed than in other age groups. In January 1961 the unemployment rate for all ages in the civil labor force was 7.7 percent while for the 16 to 20-year group it was 16.8 percent, more than twice the national average.

This draft bill, which is entitled the Youth Employment Opportunities Act of 1961, is intended to develop through the use of different kinds of pilot programs the best methods for assuring that our young people will find useful employment which they are equipped to carry out.

The bill provides three different approaches to this problem. One approach is to offer on-the-job and related training programs, including classroom instruction, in order to improve the employability of young people and to enhance their chance of advancement after their entrance into the labor market as adult workers.

A second approach provided by the bill is the so-called public-service, public-work employment and training program. Under this program the Secretary of Labor is directed to cooperate with State and local governments to develop opportunities for employing qualified young people on local public-service or public-work projects. These projects would furnish training experience with State and local public agencies or facilities, such as schools and hospitals, as well as in local conservation and similar work.

The third approach used in the bill is that of a Youth Conservation Corps. This would be a camp-oriented program in which the trainees would perform conservation and related work pursuant to agreements between the Secretary of Labor and Federal and State conservation agencies under the immediate supervision of those agencies. The trainees would receive a base compensation of \$70 a month; as well as subsistence and necessary equipment, transportation, and similar expenses.

The Youth Conservation Corps would be available to young men between the ages of 17 to 22; the other programs to both young men and women 16 to 22. The bill contemplates that maximum use will be made of existing public and private agencies and groups for operating these programs. The Secretary of Labor is authorized, however, where appropriate and under certain conditions, to finance the cost of the on-the-job and related training programs and to pay training allowances. Similarly, he