
REORGANIZATION ACT OF 1939

MARCH 28, 1939.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. COCHRAN, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 4425]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4425) to provide for reorganizing agencies of the Government, and for other purposes, 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 amendments numbered 27, 28, 36, 39, 40, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 29, 30, 31, 32, 33, 34, 35, and 38, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *The Congress hereby declares that by reason of continued national deficits beginning in 1931 it is desirable to reduce substantially Government expenditures and that such reduction may be accomplished in some measure by proceeding immediately under the provisions of this Act. The President; and the Senate agree to the same.*

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *which agency or part (by reason of transfers under this Act or otherwise, or by reason of termination of its functions in any manner) does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions and a comma; and the Senate agree to the same.*

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken out by the Senate amendment on page 5, lines 9, 10, and 11, of the House bill, strike out "or the affairs of the executive agency with respect to the functions abolished, as the case may be"; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

Sec. 6. No reorganization under this title shall have the effect—

(a) of continuing any agency or function beyond the time when it would have terminated if the reorganization had not been made; or

(b) of continuing any function beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(c) of authorizing any agency to exercise any function which is not expressly authorized by law.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 10. (a); and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *not to exceed one hour*; and the Senate agree to the same.

JOHN J. COCHRAN,
LINDSAY C. WARREN,
J. W. ROBINSON,
HARRY P. BEAM,
WILLIAM T. SCHULTE,
E. E. COX,

Managers on the part of the House.

JAMES F. BYRNES,
HARRY F. BYRD,
ALBEN W. BARKLEY,
JOSEPH C. O'MAHONEY,
PAT HARRISON,
SCOTT W. LUCAS,
CHARLES L. McNARY,
JOHN G. TOWNSEND, JR.,
ROBERT M. LA FOLLETTE, JR.,

Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

Amendment No. 1: The Senate amendment inserts a congressional declaration to the effect that by reason of continued national deficits since 1931 it is desirable to reduce Government expenditures substantially and that such reduction may be accomplished in some measure by proceeding immediately under the act. The House recedes with an amendment the effect of which is to retain the declaration and to rebut any implication that the sole objective of the bill is to reduce expenditures.

Amendments Nos. 2, 3, 6, 7, 13, 18, 19, 20, 21, 23, 24, 25, 29, 30, 31, 32, 33, 34, and 35: These amendments substitute for the term "executive agency" used in the House bill to describe the organizations to which title I relates, the term "agency." The House recedes on all these amendments except amendment No. 25. On that amendment the House recedes with a technical amendment made necessary by the conference agreement on amendments Nos. 5 and 22.

Amendment No. 4: The Senate amendment is clerical, and the House recedes.

Amendment No. 5: The Senate amendment eliminates, as one of the purposes of the title, the abolition of functions. The House recedes.

Amendment No. 8: This Senate amendment includes within the exempted agencies the Mississippi River Commission. The House recedes.

Amendments Nos. 9 and 10: The Senate amendments are clerical, and the House recedes.

Amendment No. 11: The Senate amendment includes within the exempted agencies the Federal Deposit Insurance Corporation. The House recedes.

Amendment No. 12: The Senate amendment includes within the exempted agencies the Board of Governors of the Federal Reserve System. The House recedes.

Amendment No. 14: The Senate amendment is clerical, and the House recedes.

Amendment No. 15: The Senate amendment provides that no reorganization plan may provide for the continuation of any agency beyond the period authorized by law for its existence. (See amendment No. 26.) The House recedes.

Amendment No. 16: The Senate amendment provides that no reorganization plan may provide for the continuation of any function beyond the period authorized by law for its exercise. (See amendment No. 26.) The House recedes.

Amendment No. 17: The Senate amendment provides that no reorganization plan may authorize any agency to exercise a function which is not expressly authorized by law. The House recedes.

Amendment No. 22: The Senate amendment eliminates the power of the President to make a finding with respect to the abolition of a

function and thus no reorganization plan can provide for the abolition of any function. The amendment also authorizes a finding that an agency should be abolished only in a case in which all its functions are to be transferred. This has the effect that no reorganization plan can provide for the abolition of an agency unless all its functions are transferred. The House recedes with an amendment the effect of which is to permit the abolition of an agency when it ceases to have functions, regardless of the manner by which this is brought about, whether brought about under this act or otherwise.

Amendment No. 26: The Senate amendment strikes out the provision of the House bill which prevents a reorganization from having the legal effect of continuing an agency or function beyond the time of its termination if the reorganization had not been made, or of continuing a function beyond the time when the agency in which the function was vested prior to the reorganization would have terminated if the reorganization had not been made. (See amendments Nos. 15 and 16.) The House recedes with an amendment which restores the provision of the House bill and carries out the policy of the conference agreement on amendment No. 17. The conference agreement adds to the limitations one which prevents a reorganization from having the effect of authorizing an agency to exercise any function not expressly authorized by law.

Amendments Nos. 27 and 28: The Senate amendments are clerical, and the Senate recedes.

Amendment No. 36: The Senate amendment is clerical, and the Senate recedes.

Amendment No. 37: The Senate amendment is clerical. The House recedes with a further clerical amendment.

Amendment No. 38: This Senate amendment provides that transfer of personnel under the title shall be without change in classification or compensation but, after the end of the fiscal year of the transfer, adjustment of classification or compensation may be made to conform to new duties. The House recedes.

Amendments Nos. 39 and 40: The Senate amendments are clerical, and the Senate recedes.

Amendment No. 41: The Senate amendment extends the maximum period of debate on a motion to discharge a committee from the consideration of a concurrent resolution which does not favor a reorganization plan from 20 minutes to 2 hours. The House recedes with an amendment which makes the time limit 1 hour.

Amendment No. 42: The Senate amendment extends the maximum period of debate on a concurrent resolution which does not favor a reorganization plan from 10 hours to 20 hours. The Senate recedes.

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Managers on the part of the House.

