

*Item 4—Representation*

[p. 4, lines 14-25]

(a) All appeals brought in the name of the United States with intervention, as of right, by the Commission and permission to intervene for other interested parties 28 U.S.C. § 2322-23.

(a) Paragraph (e) eliminates the United States as a statutory defendant, replacing it with the Commission. The Attorney General and other parties to a proceeding before the Commission would be permitted to intervene as of right with permission to intervene being granted others not parties to the proceeding as under existing law.

*Item 5—Stays and Preliminary Injunctions*

[p. 5, lines 1-25; p. 6, lines 1-9]

(a) Provides for a stay of a Commission order by a single district judge and a preliminary injunction by a three-judge court 28 U.S.C. 2284(3) and 2284(5).

(a) Paragraph (f) is similar to existing law except that stays could be granted by the court rather than a single judge.

*Item 6—Review by the Supreme Court*

[p. 6, lines 10-21]

(a) Provides for direct appeal from a three-judge court 28 U.S.C. § 1253.

(a) Paragraph (g) provides that appeals from a decision of court of appeals shall be by writ of certiorari within 45 days after entry of the lower courts judgment.

*Item 7—Service of Process, etc.*

[p. 6, lines 23-25; p. 7, lines 1-2]

(a) Provides for nationwide service of orders, writs and process of the district courts in matters arising out of an order of the Commission, the enforcement of sections 20 and 23 of the Interstate Commerce Act and section 3 of the Elkins Act. 28 U.S.C. § 2321.

(a) Paragraph (h) is the same as existing law except that section 3 of the Elkins Act, 49 U.S.C. § 43 is shown *erroneously* as "section 43" of the Interstate Commerce Act.

*Item 8—Repeals*

[p. 7, lines 3-9]

Not applicable.

(a) Section 2 repeals existing three-judge court provisions, 28 U.S.C. § 2321-25, and so much of other existing laws as are inconsistent with S. 2687.

*Item 9—Effective Date*

[p. 7, lines 10-17]

Not applicable.

(a) Section 3 provides for this Act to become effective 60 days after enactment while the proviso in section 2 deals with handling cases pending in the district courts or the Supreme Court as of the date of enactment.

Mr. TIERNEY. I should apologize. I have not introduced our General Counsel, Mr. Robert Ginnane.

The CHAIRMAN. Thank you very much.

The next bill, S. 2687. If this is passed, it would put you in line with practically all of the other agencies. Is that true?