

the words "or appointees" after the word "appointee" would increase the desirable flexibility this subsection contemplates.

4. Section 4(d) provides that Conference members other than the Chairman are to be uncompensated. The following sentence would be a desirable addition: "Membership in or service to the Conference by persons outside the Federal Government shall not be considered as service or employment within the meaning of section 203, 205, 207, 208, or 209 of chapter II of title 18 of the United States Code."

This would give added assurance that participation in Conference activities would not create problems under the conflict-of-interests statute.

5. At the end of section 4, a provision might advantageously be added to provide for changes in status of Conference members, as follows:

"A member designated from an agency or by reason of his office shall become ineligible to continue as a member of the Conference under that designation if he leaves the service of that agency or ceases to occupy the office giving rise to his membership. A nongovernmental member shall become ineligible to continue as a member of the Conference in that capacity if he enters the regular service of the Federal Government. If a member resigns, or becomes ineligible, or is otherwise unable to continue as a member of the Assembly, the appointing authority that named him shall designate a successor for the remainder of his term."

III. SECTION 5

1. Section 5(d) seems to me to be too narrowly drawn, in providing for collection and publication of statistical materials. The subsection would be improved, I think, if the words "and other data" were added after the word "statistics." Statistical material is indeed often valuable, but the Conference should not be confined to collating statistics when, in some circumstances, other types of data are deemed more useful.

A cleaner change would be to redraft section 5(a) as follows:

"Collect information from the agencies and publish such reports as it seems useful for evaluating and improving administrative procedure."

IV. SECTION 6

1. The first sentence of section 6(a) should be changed to read:

"The entire membership of the Conference shall constitute the Assembly of the Conference, which shall meet in plenary session at least once each year."

The prescription of at least an annual meeting may guard against the Assembly's falling into a state of innocuous desuetude.

2. Section 6(b) prescribes that the Council of the Conference shall be composed "preponderantly of Federal officials and personnel." I believe that the introductory sentence of this subsection could be advantageously eliminated, leaving to the President's selection the persons who will be Councilors, as was the case with the Administrative Conference that served in 1961 and 1962.

3. Section 6(c)(10) authorizes the Chairman or organize and direct studies "ordered by the Assembly or the Council." The quoted phrase should, in my opinion, be deleted. The Chairman should be free to initiate studies for Conference purposes without being first ordered to do so. This would in no way limit the Assembly's or the Council's power to direct that studies be launched, but would permit work to be undertaken as need might arise, without awaiting a meeting of one of those bodies.

4. The provision in section 6(a) that dissenting opinions and alternative proposals must accompany every publication or distribution of a Conference recommendation imposes an awkwardly cumbersome requirement of doubtful value. A better plan, I think, would be to eliminate this phrase of section 6(a) and to add a new subsection, section 6(e), providing as follows:

"Any member of the Conference may express to the Congress or to the President, or otherwise, his own views concerning matters within the cognizance of the Conference."

This will make abundantly clear that the Conference, unlike a caucus, does not bind its members by a majority vote. Individual members remain free to speak for themselves if they feel called upon to disagree with Conference action or inaction. At the same time it avoids the bulky and sometimes irrelevant documentary additions that would be commanded by the present phraseology.