

This is essentially the procedure followed in determining the membership of the Conference established by the President. It worked well and is, I believe, superior to an approach whereby the 11-member Council would have sole responsibility for selecting the membership of the Conference.

In conclusion, Mr. Chairman, I would like to invite the subcommittee's attention to a second recommendation contained in the letter of the Conference to the President. This recommendation urges the establishment within the Conference of a committee of five to be known as the committee on agency ethics. Such a committee would provide a readily available vehicle for securing authoritative, impartial published opinions for guidance in difficult ethical questions that sometimes arise in administrative proceedings and in agency operations.

I am convinced that this is a sound approach to problems in a rather delicate and complicated area. This proposal contemplates that the committee on agency ethics would be established by the Assembly of the Conference without a specific statutory provision.

If the subcommittee agrees with this recommendation, it would seem desirable to make this known in the report on the bill, thus making your approval a part of the legislative history of the bill, S. 1664.

I hope the views I have expressed will be of assistance to the subcommittee in its consideration of this important matter, Mr. Chairman.

Let me again thank you and the members of the subcommittee for affording me this opportunity to appear before you today. If there are any questions at this time, I will be glad to try to answer them for the record.

Senator LONG. Thank you, Mr. Commissioner.

Mr. Fensterwald, any questions?

Mr. FENSTERWALD. Mr. Commissioner, I want to thank you first for a very helpful statement.

I wondered if you would have any comments on section 3(a) of the bill which is the definition of administrative program.

Mr. HUTCHINSON. Not any specific comment, but if there are specific questions, perhaps I could be helpful.

Mr. FENSTERWALD. Well, there are certain exceptions made to the jurisdiction of the Conference, and in view of the fact that the Conference's powers are to be purely recommendatory, it has been suggested that the definition of administrative program should be as broad as the definition in the Administrative Procedure Act itself, and we should not put these exceptions in. I just wondered if you had any views on that question.

Mr. HUTCHINSON. Well, as a start, I think the limited jurisdiction is fine, although my personal view is that there are some areas perhaps beyond this where very useful work could be done. But I think within the framework of the section with the exceptions as drafted, there is plenty of room for fruitful endeavor.

Mr. FENSTERWALD. You wouldn't see any particular danger if the definition were slightly broadened to cover or be coexistent with the Administrative Procedure Act itself?

Mr. HUTCHINSON. No. I would not see any danger. On the other hand, I would not see a need at this time for a definition broader than that contained in the draft bill.