

matter involving specific parties in which he participated personally and substantially for the Government. This is section 207(a).

Fifth, for 1 year after his service is ended, he cannot represent anyone in a particular matter within his official responsibility during the last year of his Government service.

I think it is clear, if you take a look at these provisions, that there is no danger of unfairly subjecting either members of the Conference or staff assistants to jeopardy of conflict-of-interest provisions which should not apply. We think that the new statute is appropriate.

We would like to see it applied without exception in this bill.

Thank you, Mr. Chairman.

Senator LONG. Thank you, Mr. Maxson, for your helpful statement.

Mr. Fensterwald, do you have any questions?

Mr. FENSTERWALD. I just have one or two questions, Mr. Chairman.

I would like in the record to have it noted what a fine job I think Mr. Maxson did with the previous conference and also to thank him for his assistance to this subcommittee in editing documents of that conference which we hope to print in the next few days as a Senate document.

Mr. MAXSON. Thank you, sir.

Mr. FENSTERWALD. We appreciate very much his work.

In his testimony he also mentioned the former Solicitor General of the United States, Mr. Lee Rankin. Yesterday I had a talk with Mr. Rankin and he is going to supply us with a statement with respect to this legislation, and I would like to get permission to have it printed at an appropriate place in the record.

Senator LONG. Without objection, so ordered.

Mr. FENSTERWALD. Mr. Maxson, do you have any comments with respect to the limitations in section 3(a) of the bill as drafted?

Mr. MAXSON. Mr. Fensterwald, I am inclined to agree with Professor Nathanson in his remarks yesterday wherein he indicated that he felt that the exceptions carved out from the scope of inquiry perhaps froze in their present posture in the Administrative Procedure Act and otherwise the matters there carved out. If you look to the reasons for exemptions from the Administrative Procedure Act, surely military and naval functions are executive functions which should not be inquired into by this Conference. I don't think it would serve to inquire as to how the President nationalizes the Guard or how he engages in the negotiation of treaties allocating broadcast facilities in the Caribbean, and this sort of thing.

However, there are other exceptions in the bill, for example, the exception of matters which are subject to trial de novo upon appeal. There is no reason at all that such matters should be excluded from conference inquiry. Typical of such a matter are reparation proceedings before the ICC or before the Department of Agriculture.

It is a speedy remedy, not in place of the courts, for he may go to court instead of going to the agency. However, it does constitute an administrative proceeding which I think would be greatly improved by conference study. There seems to me to be no reason why we shouldn't take a good look at the reparation proceedings in the Department of Agriculture and in the ICC. So I think you have to look, Mr. Fensterwald, to the reasons for the exceptions and you will find that in some