

For these reasons I believe that the primary task of reevaluation of administrative procedure and problems must be left in the hands of the various agencies which, with the assistance of the business communities and the professions directly affected by their activities can most effectively adapt old procedures and create new ones in the particular context of their substantive regulatory problems. In these efforts, however, the agencies can benefit from exposure of their problems and practices to the varying experience of other Federal regulatory agencies and of private individuals. S. 1664 in establishing a permanent Administrative Conference would provide for continuous study of these problems within a framework which would necessarily require an interchange of experience by the entire Federal Government. I think it fair to say that the bill before you reflects the comments of Government agencies most affected and the views of interested organizations and persons outside the Government.

The concept of creating a permanent Administrative Conference with a full-time Chairman and an adequate staff has, of course, been the subject of much comment over the past 10 years. I am sure that Judge Prettyman, under whom I had the honor to serve, has recounted for you the previous efforts to achieve such a permanent conference. The success of the Judicial Conference of the United States has spurred interest in the creation of a similar organization concerned with the administrative process.

It is noteworthy that private practitioners in the field of administrative law, although perhaps disagreeing in certain details, have joined in urging that the Congress adopt this type of legislation as an effective means to assure maximum efficiency and fairness in administrative procedure in the Federal agency.

If I may, I should like to take a minute or two to discuss the temporary conference which was established by Executive order of the President. It was, as you know, composed of more than 80 members drawn from the Government, the professions, and the academic world based on their broad experience and keen interest in the administrative process. Sparked by the Chairman, Judge E. Barrett Prettyman, these persons devoted countless hours in committee and council meetings and in plenary sessions, exploring ideas, probing the strengths and weaknesses of various approaches and reaching a consensus of agreement on effective solutions to a large number of vexatious problems. A total of 30 recommendations were forwarded to the President who submitted them to the various agencies for consideration. Some of the recommendations affected one or a few of the agencies. Others were designed to deal with problems common in greater or lesser degree to all of them.

The success of the Conference efforts, however, should not be measured by the number of specific recommendations made or which have been or may be implemented by the various agencies. It should also be measured by the reexamination of, and the renewed efforts to find solutions for, problems within each agency which were stimulated by the Conference. Speaking from my own experience as a member of the Securities and Exchange Commission, I believe that the work of the Conference has produced important results.

A number of the recommendations made by the Conference were applicable to and could be implemented by the SEC. One of them