

There is no more unanimity of opinion among agency personnel than there is among Members of the Congress.

In closing I think it important to note that settling issues of procedural organization will not fulfill all of the basic needs of the regulatory process. However, procedures do have an important influence on the equities and efficiency of Government activities. They can provide important assistance or a powerful hindrance to the effective resolution of vital issues of policy confronting many agencies. Enactment of the Administrative Conference bill would be an important step forward toward the solution of these problems.

Thank you again, Mr. Chairman, for the opportunity to appear here.

Senator LONG. Thank you, Mr. Cohen. We appreciate your being here and your helpful statement. It has been very fine.

Mr. FENSTERWALD. I just had one question, Mr. Cohen, and that is with respect to section 4(c) and the general problem of alternate members, I wondered if you saw any—at least it had been suggested to the subcommittee that instead of having alternates, that we have either the head of an agency or someone designated by the agency as a member but not the agency head automatically and then an alternate in addition.

Do you have any comments on that suggestion?

Mr. COHEN. Yes, sir. In doing so I believe I should comment on provisions of section 4(b)(2). That subsection provides that the chairman of each independent regulatory board or commission shall be a member of the Conference. I understand that this provision is designed to emphasize the point that I was making; that this should be a Conference of the agencies; and there is probably no better way of emphasizing this point than having the chairman of the agency or the department a member of the Conference.

Nevertheless, I am not altogether sure that this is a realistic approach. The chairman of the agency not only is the leader of the agency in regard to the development of the policies of the agency; he has many duties that other members of the Commission or the Board do not have. He usually represents the agency before the Congress and other agencies and in other respects. He is also by law charged with all of the administrative detail and responsibility of an agency.

In that context I have some questions whether realistically one can expect that the chairman of an important agency—and all the important agencies would be represented—would have the time to devote to regular attendance. If that suggestion is a valid one, it then raises a further question. Since by law the chairman would be a member of the Conference, I think he would personally feel some responsibility to it. He would therefore try to give to it as much time as he could in the context of the problems I have enumerated. But necessarily he would have to find a delegate from time to time. This might mean the chairman and his delegate would act on a sporadic basis. Participation should be as continuous as possible not only in the Conference but on important committees of the Conference, where the work of the Conference in large measure is initiated and developed. I feel, therefore, in response to your question, that it would be desirable that the members of the Conference from the agencies be permanent members serving on a continuous basis.