

3. Since improvement is primarily dependent upon action by the agencies themselves, the bill would make agency officials and personnel primarily responsible for the success of the Conference effort. It is anticipated that members would be drawn from those agencies which have common types of responsibility, so that Conference activities will hold the interest and effective participation of all members.

4. The members drawn from the bar, the universities, and other sources, would be able to emphasize problems as they are seen from outside the agencies and bring fresh insight and new ideas to bear on their solution.

5. The form of the organization is similar to those of the Judicial Conference of the United States and the Judicial Conferences of the Circuits. Although the Judicial Conference of the United States consists entirely of Federal judges (28 U.S.C. 331), practicing lawyers and others participate in the work of its committees, which develop recommendations for its consideration. The Judicial Conferences of the Circuits, which also develop recommendations for consideration by the Judicial Conference of the United States, provide for representation and active participation by practicing lawyers (28 U.S.C. 333). Recommendations of the Judicial Conference of the United States are transmitted to the Chief Justice for consideration by appropriate authorities, including the Congress, if legislation is required. The workability and value of those Conferences have been demonstrated over many years.

6. The Conference would have no authority to direct changes in administrative procedure, but would function solely in an advisory capacity. I would like to emphasize this point, Mr. Chairman, because I have noted in the press references to superagency and suggestions that the agency would have authority to direct the work of regulatory agencies. I think that this is a misunderstanding of the intent and the wording of the bill itself.

Senator LONG. Mr. Staats, you find nothing in the bill at all that would indicate that it is to be a superagency as—

Mr. STAATS. We have tried to eliminate any language which might leave that impression, and we would just like the record to be very clear on this point, Mr. Chairman.

Senator LONG. Thank you.

Mr. STAATS. Its recommendations would be made to the appropriate Federal authority, either the agencies, the President, the Congress, or the Judicial Conference of the United States, depending upon the action necessary in any instance and the locus of authority to take such action. Each responsible authority would be expected to exercise its own independent judgment with respect to a Conference recommendation. This is an essential safeguard because of the great diversity in the functions and programs which would come within the purview of the Conference; while a recommendation may be widely applicable and highly desirable in most situations, a unique situation or responsibility in a particular agency may make it equally undesirable in that agency. Hence the Conference would not be a superagency interposed between the agencies and the President or the Congress, and would in no sense relieve the agencies of a continuing, independent responsibility to make all possible improvements in their own administrative procedure. In fact, one of the first recommendations of the last Conference was that each executive department and administra-