

We think this is a very fundamental point, Mr. Chairman. We are dealing here with the question of who is responsible in an agency. We hold to the view, I think Congress holds to this view, that an agency head has that responsibility for management of his agency. This applies, I think, across the board.

And, now, we have no problem with a delegation or with an alternate with respect to the chairman of the regulatory agencies or the heads of the agencies.

Mr. KENNEDY. You think there should be alternates, when you say no problems?

Mr. STAATS. With respect to the heads of the agencies and the chairman of the regulatory agencies, we feel there should be alternate members or delegations of responsibility to persons who can attend.

Mr. KENNEDY. Should that extend—

Mr. STAATS. I think Judge Prettyman's concern about this is a matter of continuity and the ability of the agency head to participate on a regular basis.

We think this can be adequately handled by a way which has been used many, many times, which is to designate an alternate or to delegate that function to a subordinate, say, the No. 2 man in the agency, or one of his principal staff people. This is the way it is normally done, and we think that the objective can be accomplished in that manner. But we do think, when we are talking about a law which places responsibility on agencies with respect to improvement of their internal procedures and processes, on a matter as important as this one, that we ought not to place that responsibility on anybody other than the agency heads.

Mr. KENNEDY. Would you extend the concept of alternates to other members of the Conference, as well, if they could not attend because of pressure of other business?

Mr. STAATS. I see no reason why that should be done in those cases. And, in fact, I would hope that the agency heads and the chairmen of the regulatory bodies would and could attend, and I think in most cases they would.

Mr. KENNEDY. Let us assume that you have a nongovernment member of the Conference; he is tied up in an antitrust case and cannot come for some months. Would you permit him to designate an alternate or would that be undesirable?

Mr. STAATS. Your principle there is a different one. Your principle there is that you selected that individual because of his background and competence and his personal ability to make a contribution.

The principle that I am talking about with respect to an agency is a question of responsibility, who is responsible.

Mr. KENNEDY. Now, were you going to comment as well on Judge Prettyman's suggestion on the limitations of the jurisdictional competence or do you think you have already adequately covered that?

Mr. STAATS. I believe this is a point that Miss Guffey elaborated on a minute ago. I think we have stated a principle here. I believe he has said about the same thing I have said—that it should be as broad as the coverage of the Administrative Procedure Act—and I believe that that is what this bill does.