

not be narrowly circumscribed. In essence, the Conference should be permitted to deal with all of those matters which may involve administrative law and procedure and with which the executive departments and agencies, themselves, are concerned.

In this connection, neither the Conference on Administrative Procedure, which filed its report in 1955, nor the Conference just concluded, which filed its report last December, was narrowly restricted as to the subject matter with which it could deal.

I think that the experience of these two Conferences, and the recommendations which they made, reveals dramatically the desirability of allowing a Conference on Administrative Procedure to deal with all of the problems included in the complete spectrum of administrative law.

I earnestly hope that this subcommittee will, in reporting proposed legislation upon this subject, take pains not to delimit the Administrative Conference, but to permit it to inquire into the entire field of Federal administrative practice and procedure.

Specifically, I would like to cite one example of what I mean. This illustration has already been adverted to earlier this morning.

There is a tendency in some quarters and at times to limit, in one's thinking, administrative procedure only to that subject to and not therein excepted from the full coverage of the Administrative Procedure Act of 1946.

But, there are crucial problems of administrative law and procedure which are not, in all respects, encompassed by that great legislation. A specific example is that involved in handling claims arising out of Government contracts containing disputes clauses, making the decisions of heads of agencies final as to matters of fact, with the right to resort to the U.S. Court of Claims only where question of law are involved or in other circumstances permitted by the so-called Wunderlich Act (68 Stat. 81, 41 U.S.C. secs. 321-22, 1958).

It would be a mistake, in my opinion, for the Congress to enact legislation for the establishment of an Administrative Conference and, at the same time, to preclude the Conference from considering problems arising in these contract claims cases. It is becoming increasingly evident, as the area of Government contract activity expands due to new defense needs and to the vast governmental programs dealing with outer space which are just beginning, that Government contracts of the type I am considering are becoming of ever greater importance in our total economy. It is safe to assume that, as this tendency increases, administrative procedure dealing with the administration of these contracts and the handling of claims under the so-called disputes clauses, will become of greater and greater concern, both to the Government and to the public.

Therefore, it is in my opinion, almost unthinkable that any Administrative Conference created by the Congress would be precluded from dealing with these problems.

May I add to my prepared statement at this point another illustration of the extent to which the Conference, the jurisdiction of which is provided in the bill pending before you, would be in my judgment too narrowly circumscribed.

For example, in the last Conference there was, as has been adverted to this morning, a Committee on Judicial Review of which I happened to have had the honor to be the chairman. Now, the jurisdiction of