

agency proceedings and actions generally as defined by section 2(g) of the Administrative Procedure Act.

It should be noted that some matters which are defined in that section as agency proceedings or actions are in later sections of the APA excluded from certain requirements of that act. However, fundamentally the previous Conferences have held broad authority and the scope of their activities has been left to the sound judgment of the chairman, council members, and membership of the Conferences.

While the proposal before you now, S. 1664, would unduly and narrowly limit the inquiries of a Conference, I believe that that proposal, in that respect, is basically inconsistent with the consensus as to the scope and fundamental purpose of an Administrative Conference.

If the Conference is to be effective in assisting the agencies to solve their own problems and in assisting the agencies better to serve the public, and if it is to be the "escape valve" which we all hope that it will be, it cannot be confined merely to those matters which are subject now to the formal proceedings requirements of the Administrative Procedure Act.

In my view, the proposal before you for a narrowly-confined activity of the Conference is not a conscious repudiation of the prevailing consensus that the scope of the work of the Conference should at least be as broad as agency proceedings and actions as defined in section 1001(g) of the Administrative Procedure Act.

I believe the proposal to restrict the work of the conference to areas of formal proceedings as defined under the Administrative Procedure Act is, basically, an inadvertent circumscription of the activities of the Conference which would derogate from the accomplishment of the things which we all expect of it.

Thirdly, I am now pleased to find an important area of agreement in the position of the chairman in relation to the activities of the Conference. I believe it is now generally recognized that the chairman's office must be one of stature, commanding the respect of the public and of the agencies alike.

I believe also it is now almost universally recognized that he must have the power to speak out, individually and independently, when he believes the public interest so requires. And in that regard I view the draft which you have before you, and particularly the sections which Mr. Kennedy discussed with Mr. Staats this morning, as providing the power or the authority in the Chairman to speak out independently when he feels that it is in the public interest to do so.

Certainly the section 6(c), at the very end where he says—where it is stated that "the Chairman may make interim reports as he"—that is, he, the Chairman—"deems desirable," that language would in my view give him the ability, the right, the power to speak out individually and independently.

As a matter of fact, Mr. Chairman, that language resulted—that language in the Budget draft resulted from suggestions which were made in the course of our conferences with the Budget.

Now, I believe it is also clear that the Chairman must have the power to require information of the agencies if the work of the Conference is to be furthered, and not only must he have the power to require information to determine whether there are areas of agency procedure which warrant further investigation and consideration by