

Moreover, we deem it essential that doubt be removed in a related area by including in the bill the following provision which now appears in section 11(d) of our May 1, 1963, draft:

(d) Any member of the Conference may express to the Congress, the President or others his views concerning matters within the cognizance of the Conference.

(5) Section 5(d) now provides that the Conference is authorized to—

Collect from administrative agencies and publish such reports of operating statistics as it deems useful for evaluating and improving administrative procedure.

We believe that the narrow constriction to "reports of operating statistics" may result from inadvertence. In any event, there can be no serious question that the language should be amended to give the Conference much broader authority to collect information and publish reports. A ready cure would lie in inserting the word "information" after the word "collect" and in deleting the words "of operating statistics."

(6) Section 4(b) does not include a provision for Conference Members from the Senate and the House of Representatives, or from the Judicial Conference. Such a provision, which we deem salutary and desirable, appears in section 7(c) of our May 1, 1963, draft.

We are all aware of the arguments which can be marshaled for and against such a provision, and they need not be detailed here. For our part, we believe that substantial benefits would accrue to the Conference through contributions from members from the Judiciary, the Senate, and the House.

(7) Section 2(c) provides that:

The diversity of Federal activities frequently precludes the establishment by statute of administrative procedure which would be generally suitable for use by all agencies.

If the bill is to include a section on findings and declaration of policy—and we do not view such a section as indispensable—we deem it most unfortunate to include such a negative finding as that quoted above.

Passing for a moment the question whether the finding is supportably sound, its very inclusion is an argument against one of the purposes underlying the creation of an Administrative Conference; namely, the encouragement of uniformity in administrative procedure so far as this is susceptible of practicable accomplishment. I note that the distinguished Chairman pointed out in his opening remarks last Wednesday, June 12, 1963, that one of the purposes of the Conference will be to obtain "greater uniformity of procedure."

As drafted, section 2(c) should be eliminated or amended to replace the negative with a positive.

(8) Section 4(d) provides that members of the Conference, other than the Chairman, shall receive no compensation for service. In order to avoid creating problems under the conflict-of-interests statute, language should be added to this section to make it clear that service in the Conference shall not be considered as service or employment within the meaning of section 203, 205, 207, 208, or 209 of chapter 2 of title 18 of the United States Code.