

recommendation has been adopted by the AEC, FPC, FTC, SEC, and the Federal Home Loan Bank Board.

In addition, three agencies are in the process of adopting the recommendation and several more have the matter under active study.

I cite these examples of agency action on the recommendations of the Conference to emphasize what can be accomplished. While this record has been most gratifying to all connected with the Conference, it is merely a beginning and much more can be done.

The fact to bear in mind at this juncture is that the agency actions referred to have been taken after recommendation by a temporary Conference, existing only by virtue of Executive order, having no approval from Congress other than a fiscal appropriation, and laboring under the handicap inherent in any body of an essentially temporary and experimental nature.

Once formally established with the imprimatur of Congress, the prestige and resultant effectiveness of the Conference will be manifestly greater.

With regard to the proposed legislation pending before this subcommittee, I wish to make several specific suggestions. Firstly, I join with Professor Nathanson and representatives of the American Bar Association who have recommended the deletion from S. 1664 of paragraphs (1) and (2) of subsection 3(a).

These paragraphs, in my opinion, restrict unreasonably the breadth of the Conference's sphere of activity without reason or corresponding benefit. Certainly the Conference should be free to examine the entire administrative process as it affects the public.

Secondly, section 4 of the proposed legislation should make it clear that those members of the Administrative Conference drawn from Government should serve as individuals charged only with a personal responsibility and not as official spokesmen for the agencies by which they are employed.

This concept was expressed in the final report of the Conference, and should I believe be included in this legislation. To do otherwise might cause or permit official and inflexible positions inconsistent with the basic objectives of the Conference.

Thirdly, the President should not be restricted in his appointments to the Council by the provision in line 20 of page 7 which states that the Council shall be composed "preponderantly of Federal officials and personnel."

While I have no quarrel with the spirit of these words, I believe they should be deleted so as to give the President complete freedom and the widest possible choice in his appointments to the Council.

Finally, I wish to lend my support to the suggestions of prior witnesses regarding the exclusion of nongovernment members of the Conference from the conflict-of-interest laws; the deletion from subsection 4(b) of the bill of the requirement that agency "chairmen" and department "heads" be included in the Conference; and the deletion from subsection 4(c) of the provision permitting alternate membership. The reasons for each of these latter suggestions have been fully discussed by prior witnesses and need no further amplification.

I would also suggest, Mr. Chairman, that the provision which requires an annual report to the President and Congress be expanded somewhat to make it clear that the Chairman of the Conference be