

144 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee, 87th Cong., 2d sess., on "Conflict of Interest," p. 18). Congress substituted reasonable general legislation for that patchwork and, more particularly, provided a liberal standard in 18 U.S.C. 202(a) for determining the persons entitled to special treatment. It seems unlikely therefore that present law will hamper the Conference in obtaining the services of experts, as needed.

In sum, this Department is of the view that S. 1664 should not be amended to afford an exemption from the conflict-of-interest laws for any of the persons who would serve the proposed Administrative Conference, whether as members or otherwise.

I trust you will find this discussion helpful. I should be pleased to hear from you again if you have any further inquiry.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Deputy Attorney General.

JUNE 18, 1963.

HON. ROBERT F. KENNEDY,
*The Attorney General of the United States,
Department of Justice,
Washington, D.C.*

MY DEAR MR. ATTORNEY GENERAL: During the hearings on S. 1664, apprehension was expressed by a number of members of the bar that nonagency members and staff of the proposed Administrative Conference would be subjected to the provisions of the conflict-of-interest law applicable to "regular Government employees." This apprehension arose out of the difficulty of fitting such personnel within the technical requirements of the definition of "special governmental employees."

If nonagency members and staff are to be subject to all of the proscriptions of regular Government employees, there is every likelihood that this will inhibit many valuable persons from accepting appointments. Therefore, it would be helpful to have your advice as to the question whether such personnel would be within the definition of "special governmental employees." If your reply is in the negative, would it not be helpful to place an exemption from the conflict-of-interest laws in S. 1664, as suggested by the American Bar Association and others.

As we expect to write the report on this bill in the very near future, it would be helpful to have your advice as quickly as possible.

With gratitude and kind regards.

Sincerely,

EDWARD V. LONG, *Chairman.*
NEW YORK STOCK EXCHANGE,
New York, N.Y., June 28, 1963.

HON. EDWARD V. LONG,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR LONG: We have followed with interest the press reports of your hearings on S. 1664—creating an Administrative Conference of the United States—to determine whether business interests would be represented on the Conference.

As you know, the Securities and Exchange Commission under the Securities Exchange Act of 1934, oversees much of the securities industry, including the operations of our exchange. We have daily contact with the Commission and an active liaison program covering all phases of the interrelationship between the Commission and the exchange. Other industries undoubtedly have equal contact with the various regulatory agencies of the executive branch of the Government.

It is our hope that consideration will be given to appropriate representation on the Conference by businesses such as the securities industry which through years of experience have acquired unusual knowledge of the functionings of individual agencies.

If it is still possible, we would greatly appreciate having this letter inserted in the record of the hearings on S. 1664.

Sincerely yours,

G. KEITH FUNSTON.