

in this regard by the Department of State. (See 2 Foreign Affairs Manual, sec. 1120, a copy of which is attached.)

I hope that the foregoing will provide the information you wish. Again please accept my apologies for our delay in responding to your February 12 letter.

Sincerely yours,

WILLIAM JOSEPHSON,
General Counsel.

REPLY FROM AGENCY FOR INTERNATIONAL DEVELOPMENT

AGENCY FOR INTERNATIONAL DEVELOPMENT,
DEPARTMENT OF STATE,
Washington, D.C., March 24, 1965.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee,
Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: In further response to your letter of February 12, 1965, I am sending you herewith an AID staff paper which supplies answers to the questions set forth in your letter. Copies of the documents which you have requested are being sent to you separately.

I appreciate the long interest of your subcommittee in promoting the availability of information from Federal departments and agencies. In administering the Agency for International Development it has been our objective to make information available to the maximum extent possible. To this end and totally aside from the technical requirements of the Administrative Procedure Act, we have, for the guidance of persons dealing with AID, issued and disseminated to the general public as well as to specially interested segments of the public full information on Agency rules and requirements. This has been done not only through publication of the AID Regulations in the Federal Register, but through distribution of notices, circulars, press releases, and brochures relating to special subjects and designed to present information to interested persons and groups in the most practical and useful way.

If we can render any further assistance in your subcommittee's review of this subject, we shall be happy to do so.

Sincerely yours,

WILLIAM S. GAUD, Acting Administrator.

STAFF PAPER

Before replying to the individual questions on particular aspects of section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002) and its application to the operations of the Agency for International Development it is appropriate to observe that the exact meaning and effect of section 3 is far from clear. Part of the difficulty is, no doubt, derived from its setting within the Administrative Procedure Act. Section 3 purports to be a general provision governing the publication of information, rules, opinions, orders, and public records applicable to "every agency." Yet the Administrative Procedure Act in which it appears has primary significance for regulatory agencies as distinguished from nonregulatory agencies such as AID.¹ One consequence of placing section 3 as a general "public

¹ As the Attorney General has said, "The entire act is based upon a dichotomy between rulemaking and adjudication * * *. Rulemaking is agency action which regulates the future conduct of either groups of persons or a single person; it is essentially legislative in nature, not only because it operates in the future, but also because it is primarily concerned with policy considerations."

"Adjudication," he has said, "was intended to include such proceedings as: "1. Proceedings instituted by the Federal Trade Commission and the National Labor Relations Board leading to the issuance of orders to cease and desist from unfair methods of competition or unfair labor practices, respectively."

"2. The determination of claims for money, such as compensation claims under the Longshoremen's and Harbor Workers' Compensation Act, and claims under title II (old-age and survivors' insurance) of the Social Security Act."

"3. Repatriation proceedings in which the agency determines whether a shipper or other consumer is entitled to damages arising out of the alleged past unreasonableness of rates."

"4. The determination of individual claims for benefits, such as grants-in-aid and subsidies."

"5. Licensing proceedings, including the grant, denial, renewal, revocation, suspension, etc., of, for example, radio broadcasting licenses, certificates of public convenience and necessity, airman certificates, and the like."