

(2) "In other areas"—in rulemaking to carry out the provisions of the Federal Employees Health Benefits Act of 1959. (Members of the public may become "carriers" of health benefits plans under this act.)

Our answers to all of the subcommittee's questions are made on the basis of the above-described applicability of the Administrative Procedure Act to the Commission's operations.

2. The only actions of the type referred to in this question 2 which the Commission currently takes for the purpose of satisfying the requirements of section 3 of the Administrative Procedure Act relate to the specific areas described in our answer to question 1 as being subject to the Administrative Procedure Act. Accordingly, the following further answers to this question are made with this fact in mind:

(a) and (b). Annually, the Commission publishes information on its central and field organizations in the U.S. Government Organization Manual which, we believe, contains substantially the same information required for publication in the Federal Register by section 3(a)(1) of the Administrative Procedure Act, e.g., this information appears in the 1964-65 edition at pages 496-505. In addition, this information contains some—but not all—of the information called for by section 3(a)(2) of the Administrative Procedure Act. (As indicated in the foreword of that manual, it is a special edition of the Federal Register but is not issued to satisfy the publication requirements of sec. 3 of the Administrative Procedure Act.)

(c) *Under section 12, Hatch Political Activities Act, as amended, 5 U.S.C. 118k.*—Section 12(d) of this act states that "The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section." Section 15 of the act states: "The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the U.S. Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil service rules prohibiting such employees from taking any active part in political management or in political campaigns." On the basis of the provisions of sections 12 and 15, no rulemaking has been necessary, other than the rules of practice for the adjudication of cases. These appear at 5 CFR part 151.

Discharge of examiners appointed pursuant to section 11 of the Administrative Procedure Act.—The rules adopted by the Commission in this area appear at 5 CFR part 930 (Subpart B).

Rulemaking to carry out the provisions of the Federal Employees Health Benefits Act of 1959.—The rules adopted by the Commission in this area appear at 5 CFR Part 890.

(d) In 1949, the Commission published a book entitled "Hatch Act Decisions of the U.S. Civil Service Commission," which was prepared by the then Commission Hearing Examiner who handled cases under section 12 of the Hatch Act. Among other things, this book contains information of the type referred to in this question; and members of the public who contact the Commission for information on section 12 are advised of the availability of this book through the Superintendent of Documents for \$1.50.

(e) The Commission has not published any rules of this type. 3. Part 2 of the book referred to in our answer to question 2(d) is described as "A Case Book on Commission Decision," and outlines the final report and order in the significant section 12 cases decided by the Commission up to that time. Otherwise, the Commission has not actually published its report and orders in these cases. However, the material published in the Federal Register during the 1946-47 period to give effect to section 3 of the Administrative Procedure Act (as described in the answer to question 1) contained a rule to the effect that the Commission would make final opinions and orders in these cases available for public inspection, and the Commission has continued to do this since that time. The Commission also does the same thing in removal-of-hearing-examiner cases, but has not actually published a rule to that effect.

4. None.

5. *Cases subject to the Administrative Procedure Act.*—Opinions and orders may be used and cited as precedents in cases in which State and local employees are being removed under authority of section 12 of the Hatch Act and of hearing examiners being removed under section 11 of the Administrative Procedure Act. In so doing, the Commission does not cite or use opinions and orders as precedents