D. HOUSE ACTION AND VOTE ON CONFERENCE REPORT, OCTOBER 7, 1974; PP. H10001–H10009

FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I call up the conference report on the bill (H.R. 12471) to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

[For conference report and statement, see proceedings of the House of September 25, 1974.]

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, since the text of the conference report has been printed with the amendment and also printed in the Congressional Record of Wednesday, September 25, 1974, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

(Mr. Moorhead of Pennsylvania asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on March 14 of this year this important bill to make a number of needed procedural and substantive amendments to the Freedom of Information Act of 1966 was considered by the House and passed by the overwhelming vote of 383 to 8. A Senate version of the bill was considered by that body and passed on May 30 by a vote of 64 to 17. The Senate bill contained several amendments not previously considerd by the House, two of which were of considerable significance. One dealt with the imposition of administrative sanctions against Government officials or employees for the improper withholding of information under the law and the second amendment tightens loopholes in the exemption dealing with law enforcement records. There were also a number of important differences in language between the two bills on amendments contained in both the House and Senate versions.

The conference committee met on four separate occasions to resolve differences between the House and Senate bills, reaching final agreement on August 21, except for minor technical changes in language that were resolved after the Labor Day congressional recess.

Mr. Speaker, I will now indicate the major changes in the House bill that have resulted from the conference:

First, the conference version directs each Federal agency to issue regulations covering the direct costs of searching for and duplicating records requested under the Freedom of Information Act. It also provides that an agency may waive the fees if it determines that it would be in the public interest.

Second, the Senate bill contained a provision authorizing Federal courts—in Freedom of Information Act cases—to impose a sanction of up to 60 days suspension from employment against a Federal official or employee which the court found to have been responsible for withholding the requested records without "reasonable basis in law." This amendment, the most controversial part of the conference committee's deliberations, was opposed by many House conferees on the grounds that it gave the court such unusual disciplinary powers over Federal employees. After extensive discussion over 3 days of meetings, the conferees reached a reasonable compromise—if the court finds for the plaintiff and against the Government and awards attorney fees and court costs, and if the court makes a written finding that circumstances surrounding the withholding raise questions whether the Federal agency personnel acted "arbitrarily or capriciously," the Civil Service Commission must initiate a proceeding to determine whether or not disciplinary action is warranted against the responsible Federal official or employee. The Civil Service Commission would then investigate the circumstances, may hold hearings, and otherwise proceed in accordance with regular civil service procedures. The employee has full rights of due process and the right to appeal any adverse finding by the Commission. If the Commission's decision is against the Federal official or employee, it would submit its findings and disciplinary recommendations for suspension to the affected agency, which would then impose the suspension recommended by the Commission.

Mr. Speaker, there has been some misunderstanding about this sanction provision and I trust that this explanation will help clarify our intent. I seriously doubt that such procedures will actually be invoked except in unusual circumstances. Its inclusion in the law will make it crystal clear that Congress expects that this law be strictly adhered to by all Federal agency personnel and that withholding of Government records be only when clearly authorized by one of the nine exemptions contained in the freedom of information law.

Mr. Speaker, at this point in the Record, I would like to include a letter sent to all members of the conference committee by Mr. John A. McCart, operations director of the AFL–CIO Government Employees Council in which his organization—representing some 30 unions and 1.5 million Federal and postal employees—endorses the compromise sanction provisions contained in this bill:

GOVERNMENT EMPLOYEES COUNCIL—AFL–CIO,
Washington, D.C., September 10, 1974.

Hon. WILLIAM MOORHEAD,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MOORHEAD: Because of your membership on the conference committee on H.R. 12471 (Freedom of Information Act Amendments), we believe you will be interested in the views of our organization on the provision affecting Federal officers and employees in connection with alleged violations. Thirty AFL–CIO unions representing more than 1.5 million Federal and postal workers comprise the Council.

Our concern with the original language in the measure is that it permitted Federal courts to impose administrative penalties on employees where violations were confirmed by the courts. This arrangement would deprive postal and Federal employees of due process permitted under existing laws governing disciplinary actions. Moreover, the language could open lower level employees to court imposed discipline, even though they were acting in keeping with instructions from higher level officials.

Section A 4(f) of the measure agreed to by the conferees on August 21 is much less onerous. In cases where Federal courts find a violation exists and believe disciplinary action may be justified, the matter will be referred to the Civil Service Commission for processing through the employing agency. Under this procedure, we assume employees will be entitled to the appellate rights normally available in current statutes applicable to the Federal service.

The Council urges acceptance of the conference agreement of August 21.

Respectfully yours,

JOHN A. MCCART,
Operations Director.

Finally, Mr. Speaker, another provision of the Senate bill, not previously considered by the House but included in the conference bill, is an amendment to section 552(b)(7), the exemption in the law dealing with law enforcement records. Under recent court decisions, the language of the present law has been interpreted as almost a blanket exemption against the disclosure of any "law enforcement files," even if they have long since lost any requirement for secrecy.

The bill now contains modified language of the amendment sponsored by the Senator from Michigan, Mr. Hart, and adopted in that body by a vote of 51 to 33, which tightens up the loopholes of the seventh exemption by providing six specific areas of criteria under which agency withholding of information is permitted. Certain of these criteria were the subject of compromise language to accommodate unusual requirements of some agencies such as the Federal Bureau of Investigation.

Mr. Speaker, before yielding to other members of the committee, I would like to refer briefly to communications between the conference committee on this legislation and President Ford. During the meetings of the committee and only a few days after his swearing in, President Ford requested a delay in our proceedings to give him an opportunity to study the bill and agreements already reached by the conferees. We unanimously agreed to this request. On August 20, President Ford sent a letter to the conference committee setting forth his views in four major areas—sanctions, the in camera review language that was virtually identical in both House and Senate bills, the law enforcement exemption amendment, and the provision for discretionary award by the courts of attorney fees and court costs to successful Freedom of Information Act plaintiffs.

Mr. Speaker, the conferees seriously considered each of the points made by President Ford in his letter and have gone "more than half way" to accommodate his views. We modified the sanction provision of the bill. We included language on the in camera review part of the conference report to clarify congressional intent along the lines he suggested. We modified two provisions of the law enforcement exemption language to meet points he raised. We had already acted to clarify our intent that corporate interests not be subsidized by the award of attorney fees and court costs in freedom of information cases. The conference committee made every effort to cooperate with the President in our consideration of this measure and feel that we have acted

responsibly to deal with each of the questions he raised in his letter. I ask unanimous consent to insert in the Record at this point the text of President Ford's letter to me, dated August 20, 1974, and the text of the responsive letter from Senator Kennedy and myself, dated September 23, 1974, which sets forth conference action on each of the major points he raised:

THE WHITE HOUSE,
Washington, D.C., August 20, 1974.

Hon. WILLIAM S. MOORHEAD,
House of Representatives,
Washington, D.C.

DEAR BILL: I appreciate the time you have given me to study the amendments to the Freedom of Information Act (H.R. 12471) presently before you, so that I could provide you my personal views on this bill.

I share your concerns for improving the Freedom of Information Act and agree that now, after eight years in existence, the time is ripe to reassess this profound and worthwhile legislation. Certainly, no other recent legislation more closely encompasses my objectives for open Government than the philosophy underlying the Freedom of Information Act.

Although many of the provisions that are now before you in Conference will be expensive in their implementation, I believe that most would more effectively assure to the public an open Executive branch. I have always felt that administrative burdens are not by themselves sufficient obstacles to prevent progress in Government, and I will therefore not comment on those aspects of the bill.

There are, however, more significant costs to Government that would be exacted by this bill—not in dollar terms, but relating more fundamentally to the way Government, and the Executive branch in particular, has and must function. In evaluating the costs, I must take care to avoid seriously impairing the Government we all seek to make more open. I am concerned with some of the provisions which are before you as well as some which I understand you may not have considered. I want to share my concerns with you so that we may accommodate our reservations in achieving a common objective.

A provision which appears in the Senate version of the bill but not in the House version requires a court, whenever its decision grants withheld documents to a complainant, to identify the employee responsible for the withholding and to determine whether the withholding was "without [a] reasonable basis in law" if the complainant so requests. If such a finding is made, the court is required to direct the agency to suspend that employee without pay or to take disciplinary or corrective action against him.

Although I have doubts about the appropriateness of diverting the direction of litigation from the disclosure of information to career-affecting disciplinary hearings about employee conduct, I am most concerned with the inhibiting effect upon the vigorous and effective conduct of official duties that this potential personal liability will have upon employees responsible for the exercise of these judgments. Neither the best interests of Government nor the public would be served by subjecting an employee to this kind of personal liability for the performance of his official duties. Any potential harm to successful complainants is more appropriately rectified by the award of attorney fees to him. Furthermore, placing in the judiciary the requirement to initially determine the appropriateness of an employee's conduct and to initiate discipline is both unprecedented and unwise. Judgments concerning employee discipline must, in the interests of both fairness and effective personnel management, be made initially by his supervisors and judicial involvement should then follow in the traditional form of review.

There are provisions in both bills which would place the burden of proof upon an agency to satisfy a court that a document classified because it concerns military or intelligence (including intelligence sources and methods) secrets and diplomatic relations is, in fact, properly classified, following an *in camera* inspection of the document by the court. If the court is not convinced that the agency has adequately carried the burden, the document will be disclosed. I simply cannot accept a provision that would risk exposure of our military or intelligence secrets and diplomatic relations because of a judicially perceived failure to satisfy a burden of proof. My great respect for the courts does not prevent me from observing that they do not ordinarily have the background and expertise to gauge the ramifications that a release of a document may have upon our national security.

The Constitution commits this responsibility and authority to the President. I understand that the purpose of this provision is to provide a means whereby improperly classified information may be detected and released to the public. This is an objective I can support as long as the means selected do not jeopardize our national security interests. I could accept a provision with an express presumption that the classification was proper and with *in camera* judicial review only after a review of the evidence did not indicate that the matter had been reasonably classified in the interests of our national security. Following this review, the court could then disclose the document if it finds the classification to have been arbitrary, capricious, or without a reasonable basis. It must also be clear that this procedure does not usurp my Constitutional responsibilities as Commander-in-Chief. I recognize that this provision is technically not before you in Conference, but the differing provisions of the bills afford, I believe, grounds to accommodate our mutual interests and concerns.

The Senate but not the House version amends the exemption concerning investigatory files compiled for law enforcement purposes. I am concerned with any provision which would reduce our ability to effectively deal with crime. This amendment could have that effect if the sources of information or the information itself are disclosed. These sources and the information by which they may be identified must be protected in order not to severely hamper our efforts to combat crime. I am, however, equally concerned that an individual's right to privacy would not be appropriately protected by requiring the disclosure of information contained in an investigatory file about him unless the invasion of individual privacy is *clearly unwarranted*. Although I intend to take action shortly to address more comprehensively my concerns with encroachments upon individual privacy. I believe now is the time to preclude the Freedom of Information Act from disclosing information harmful to the privacy of individuals. I urge that you strike the words "clearly unwarranted" from this provision.

Finally, while I sympathize with an individual who is effectively precluded from exercising his right under the Freedom of Information Act because of the substantial costs of litigation, I hope that the amendments will make it clear that corporate interests will not be subsidized in their attempts to increase their competitive position by using this Act. I also believe that the time limits for agency action are unnecessarily restrictive in that they fail to recognize several valid examples of where providing flexibility in several specific instances would permit more carefully considered decisions in special cases without compromising the principle of timely implementation of the Act.

Again, I appreciate your cooperation in affording me this time and I am hopeful that the negotiations between our respective staffs which have continued in the interim will be successful.

I have stated publicly and I reiterate here that I intend to go more than halfway to accommodate Congressional concerns. I have followed that commitment in this letter, and I have attempted where I cannot agree with certain provisions to explain my reasons and to offer a constructive alternative. Your acceptance of my suggestions will enable us to more forward with this progressive effort to make Government still more responsive to the People.

Sincerely,

GERALD R. FORD.

WASHINGTON, D.C.,
September 23, 1974.

Hon. GERALD R. FORD,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We were most pleased to receive your letter of August 20 and to know of your personal interest in the amendments to the Freedom of Information Act being considered by the House-Senate conference committee. And we appreciate your recognition of the fundamental purposes of this milestone law and the importance you attach to these amendments. They of course would provide support for your own policy of "Open government" which is so desperately needed to restore the public's confidence in our national government.

When we received your letter, all of the members of the conference committee agreed to your request for additional time to study the amendments and have given serious consideration and careful deliberations to your views on each of the major concerns you raised. The staffs of the two committees of jurisdiction have had several in-depth discussions with the responsibile officials of your Administration. Individual Members have also discussed these points with Justice Department officials.

At our final conference session we were able to reopen discussion on each of the major issues raised in your letter. We believe that the ensuing conference actions on these matters were responsive to your concerns and were designed to accommodate further interests of the Executive Branch.

You expressed concern in your letter about the constitutionality and wisdom of court-imposed penalties against Federal employees who withhold information "without a reasonable basis in law." This provision has been substantially modified by conference action.

At our last conference meeting, after extensive debate and consideration, a compromise sponsored by Representative McCloskey and modified by Senate conferees was adopted. This compromise leaves to the Civil Service Commission the responsibility for initiating disciplinary proceedings against a government official or employee in appropriate circumstances—but only after a written finding by the court that there were "circumstances surrounding the withholding (that) raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding." The actual disciplinary action recommended by the Commission, after completion of its standard proceedings, would actually be taken by the particular agency involved in the case.

We feel that this is a reasonable compromise that basically satisfies your objections to the original Senate language.

You expressed fear that the amendments afford inadequate protection to truly important national defense and foreign policy information subject to *in camera* inspection by Federal courts in freedom of information cases. We believe that these fears are unfounded, but the conference has nonetheless agreed to include additional explanatory language in the Statement of Managers making clear our intentions on this issue.

The legislative history of H.R. 12471 clearly shows that the *in camera* authority conferred upon the Federal courts in these amendments is *not mandatory, but permissive* in cases where normal proceedings in freedom of information cases in the courts do not make a clear-cut case for agency withholdings of requested records. These proceedings would include the present agency procedure of submitting an affidavit to the court in justification of the classification markings on requested documents in cases involving 552(b)(1) information.

The amendments in H.R. 12471 do not remove this right of the agency, nor do they change in any way other mechanisms available to the court during its consideration of the case. The court may still request additional information or corroborative evidence from the agency short of an *in camera* examination of the documents in question. Even when the *in camera* review authority is exercised by the court, it may call in the appropriate agency officials involved to discuss any portion of the information or affidavit furnished by the agency in the case.

The conferees have agreed to include language in the Statement of Managers that reiterates the discretionary nature of the *in camera* authority provided to the Federal courts under the Freedom of Information Act. We will also express our expectation that the courts give substantial weight to the agency affidavit submitted in support of the classification markings on any such documents in dispute.

Thus, Mr. President, to feel that the conference committee has made an effort to explain our intentions so as to respond to your objections on this important area of the amendments, operating as we must within the scope of the conference authority because of the virtually identical language in both the House and Senate versions on H.R. 12471.

The conference committee has also acted affirmatively to satisfy your major objections to the proposal amendment to subsection (b)(7) of the Freedom of Information Act, dealing with specific criteria for the withholding of Federal investigatory records in the law enforcement area.

The conference committee had already added an additional provision, not contained in the Senate-passed bill, which would permit withholding of information that would "endanger the life or physical safety of law enforcement personnel." This made it substantially identical to the language recommended by then Attorney General Richardson during Senate hearings on the bill and endorsed by the Administrative Law Section of the American Bar Association.

After reviewing the points made in your letter on this point, the conference committee also agreed to adopt language offered by Senator Hruska to permit the withholding of the *information* provided by a confidential source to a criminal law enforcement authority during the course of a criminal or "lawful national security intelligence investigation." The Federal agency may, in addition, withhold the identification of the confidential source in *all* law enforcement investigations—civil as well as criminal.

To further respond to your suggestion on the withholding of information in law enforcement records involving personal privacy the conference committee agreed to strike the word "clearly" from the Senate-passed language.

You expressed concern that the amendments to the Freedom of Information Law authorizing the Federal courts to award attorney fees and litigation costs not be used to subsidize corporate interests who use the law to enhance their own competitive position.

The members of the conference committee completely share your concern in this connection, and the Statement of Managers will reflect mutual view that any award of fees and costs by the courts should not be automatic but should be based on presently prevailing judicial standards, such as the general public benefit arising from the release of the information sought, as opposed to a more narrow commercial benefit solely to the private litigant.

You also suggest that the time limits in the amendments may be unnecessarily restrictive. The conference adopted at its first meeting the Senate language allowing agencies an additional ten days to respond to a request or determine an appeal in unusual circumstances. Pursuant to your suggestion we included language from the Senate version making clear that a court can give an agency additional time to review requested materials in exceptional circumstances where the agency has exercised due diligence but still could not meet the statutory deadlines.

In conclusion, Mr. President, we appreciate your expression of cooperation with the Congress in our deliberations on the final version of this important legislation. In keeping with your willingness "to go more than halfway to accommodate Congressional concerns," we have given your suggestions in these five key areas of the bill renewed consideration and, we feel, have likewise gone "more than halfway" at this late stage.

We welcome your valuable input into our final deliberations and appreciate the fine cooperation and helpful suggestions made by various staff members and officials of the Executive branch. It is our hope that the fruits of these joint efforts will make it possible for the Senate and House to act promptly on the conference version of H.R. 12471 so that this valuable legislation will be enacted and can be signed into law before the end of the month.

With every good wish,

Sincerely,

EDWARD M. KENNEDY,
Chairman, Senate Conferees.
WILLIAM S. MOORHEAD,
Chairman, House Conferees.

Mr. Speaker, our committee has worked for more than 3 years in investigations, studies, legislative hearings, and careful drafting of this legislation to strengthen and improve the operation of the Freedom of Information Act. It has been passed by overwhelming votes in both the House and Senate. The conferees have labored hard and long to reconcile the differences between the two versions of the bill and have arrived at reasonable compromises on each of the major issues in dispute. We have a good bill. We have a fair and workable bill that will plug major loopholes in the present Freedom of Information Law.

In remarks soon after he took office, President Ford pledged to the American people an "open Government." Enactment of these amendments to the freedom of information law and their prompt signing into law will be the important first step toward the achievement of this badly needed objective of "open Government" and a restoration of the faith of the American public in the institution of government—faith that has been so seriously eroded over the last several years.

In conclusion, Mr. Speaker, I would like to call attention to the language of the statement of managers on page 15 of House Report No. 1320 which clarifies the intent of Congress with respect to the impact of this legislation on the Corporation for Public Broadcasting. The gentleman from California (Mr. Van Deerlin) raised such questions during a colloquy when the bill was debated last March. This

language makes it clear that the definition of "agency" for purposes of Freedom of Information Act matters does not include the Corporation for Public Broadcasting.

I had sought assurance that CPB would follow the open government principles of the Freedom of Information Act in its information activities—even though they were not specifically covered by that act—so as to serve the public interest. I am pleased that CPB has reaffirmed that position in correspondence with me. At this point in the Record I include two letters from Mr. Henry Loomis, president of CPB, in which he sets forth such assurances:

CORPORATION FOR
PUBLIC BROADCASTING,
Washington, D.C., September 23, 1974.

Hon. WILLIAM S. MOORHEAD,
Chairman, Subcommittee on Foreign Operations and Government Information, Washington, D.C.

DEAR MR. MOORHEAD: On behalf of the Board and Management of the Corporation for Public Broadcasting, I wish to congratulate you and the House Conferees on the Freedom of Information amendments (HR 12471) recently reported by the Conferees. We believe the amendments serve a very real public need and will, when implemented, reward the wisdom and dedication of the House Members in the Freedom of Information area. We are most encouraged by the recognition, in the Conference Reports, of CPB's unique status as a private, nonprofit corporation dedicated to the purposes set out in the Public Broadcasting Act of 1967.

The Conferees' generous and statesmanlike response to CPB's comments on the pending legislation prompt us to reaffirm CPB's traditional commitment to freedom of information principles, and to pledge fullest implementation of these principles in CPB's operations, consistent with its private status and constitutionally protected activities in the area of broadcast program support. You have our full assurance of CPB's continued dedication to the spirit of the Freedom of Information Act.

Sincerely,

HENRY LOOMIS.

CORPORATION FOR
PUBLIC BROADCASTING,
Washington, D.C.

Hon. WILLIAM S. MOORHEAD,
House of Representatives,
Washington, D.C.

DEAR MR. MOORHEAD: In my letter to you of September 23, it was my pleasure to reaffirm CPB's "fullest implementation of freedom of information principles in CPB's operations, consistent with its private status and constitutionally protected activities in the area of broadcast program support."

In order to add some specifics to that general commitment, I should like to describe current CPB practices regarding the dissemination of information relating to CPB activities, and regarding requests for information about CPB activities from the press and the public.

All of CPB's public information activities are coordinated by our Office of Public Affairs. The Office of Public Affairs is located at the Corporation for Public Broadcasting, 888 16th Street, N.W., Washington, D.C. 20006. Phone (202) 293-6160.

This office publishes the following informational documents relating to CPB activities:

(1) The Annual Report of the Corporation for Public Broadcasting which represents "a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments . . . [including] such recommendations as the Corporation determines appropriate", required by the public Broadcasting Act of 1967, as amended (47 U.S.C. 396(i)). This report is submitted to the President for transmittal to the Congress on or before the 31st day of December of each year. After transmittal to the Congress it is available to all who request it from the CPB Public Affairs Office.

(2) The CPB *Report*, a weekly newsletter containing reports of official CPB Board and Management actions and activities, as well as additional information of interest to public broadcasting stations, viewers, listeners, and citizens.

(3) Press releases, containing official reports and statements of the CPB Board and management. Such releases are issued from time to time as, in the opinion of the Public Information Office, they are required.

(4) CPB testimony before legislative, oversight, and appropriations committees and subcommittees of the U.S. Congress. These comprehensive statements on CPB activities financial conditions, projects, and accomplishments are routinely duplicated for convenient public access by request to the Public Affairs Office. In addition, these statements, together with the transcripts of questions and answers before Congressional committees are routinely published and available as Congressional documents.

(5) Technical studies, final grant reports, etc. From time to time, the Corporation commissions research and development or other projects that result in the presentation of reports, monographs, statistical compilations, and other written materials of interest to the public broadcasting community or the public at large. The availability of all these materials is noted in the CPB Annual Report, CPB *Reports*, or CPB press releases. Copies of these materials are available upon request at the Public Affairs Office (in limited numbers).

Requests for information or documents coming to CPB employees from the press, the general public or others not dealing with CPB in its business operations are routinely referred to the Public Affairs Office. It is the practice of the Corporation to provide information specifically requested in every instance in which furnishing such information will not:

(1) divulge confidential personnel information regarding individual employees without their consent; or

(2) divulge financial or trade secret data acquired from any person under a promise of confidence; or

(3) impair CPB ability to:

(a) conduct its activities free from the "extraneous interference and control" Congress sought to bar in authorizing establishment of CPB as a private nongovernment corporation [47 U.S.C. 396(a)(6)].

(b) "carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the noncommercial educational television or radio broadcast systems and local stations from interference with or control of program content or other activities." [47 U.S.C. 396(g)(1)(D)];

(c) avoid ". . . any direction, supervision, or control of educational broadcasting; or over the charter or bylaws of the Corporation; or over the curriculum, program of construction, or personnel of any educational institution, school system, or educational broadcasting station or system" by "any department, agency, officer, or employee of the U.S. . . ." [47 U.S.C. 398]; or

(d) conduct its activities as a private, "nonprofit corporation . . . which will not be an agency or establishment of the United States Government." [47 U.S.C. 396(b)]; or

(4) otherwise compromise the constitutionally protected activities of the Corporation, stations, or systems, in the broadcast program area.

I am sure you will recognize that CPB's practices regarding public access to CPB information are consistent with, and in a number of instances, actually exceed principles of access applicable to government agencies under the Freedom of Information Act and the amendments recently considered by House and Senate conferees. I stress again that CPB's voluntary commitment to freedom of information principles is a continuing one, limited only by the sensitive nature of some of its functions. I doubt that you will find another private corporation so committed to public understanding of its work and activities.

Sincerely,

HENRY LOOMIS.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, on a matter of such importance, particularly in the light of what we have gone through this year with respect to Watergate, I would hope we could have enough order so

that all Members of the House who are interested in this can hear what the gentleman is saying.

If I may proceed just a little further, in my mind the whole conspiracy aspect of Watergate was made possible because of the abuses of the power of people in the executive branch to keep matters secret. The distinguished gentleman from Pennsylvania is talking about what the conferees have done to remedy this situation. I think we deserve to understand exactly what the conferees did.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the gentleman is entirely correct. That is the thrust of the legislation as passed by this body and passed by the other body and reported back through conference.

The other major change in the bill was tightening up loopholes on public access to law enforcement records, and I think the conferees have reached a very good compromise which we can endorse to all the Members of the House.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I now yield to the able gentleman from Arkansas (Mr. Alexander) a member of our Foreign Operations and Government Information Subcommittee, who has made such a significant contribution to this legislation as a House conferee.

Mr. ALEXANDER. Mr. Speaker, I note that section 3 of this act requires each agency to file an annual report with the Speaker of the House and the President pro tempore of the Senate. These annual reports are to contain specific information as enumerated in the act. Following this enumeration there is a requirement that the "Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year" certain information regarding litigation brought under the Freedom of Information Act, as well as a description of action taken by the Department of Justice to encourage compliance with the act.

Is it the intent of this section that the Department of Justice file two annual reports?

Mr. MOORHEAD of Pennsylvania. The answer is yes. The Department of Justice, as an agency, just as any other agency, is required to file an annual report containing specific activities of the Department of Justice in complying with the requests under the Freedom of Information Act; to wit, that additionally the Attorney General is required to file a second report dealing with the activities of the Department of Justice in its role as legal counsel to all of the other agencies under the Freedom of Information Act.

(Mr. Alexander asked and was given permission to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, truth is the foundation of democracy. Thomas Jefferson said:

> Whenever the people are well-informed, they can be trusted with their government, because whenever things get so far wrong to attract their notice, they can be relied on to set them right.

Our democracy is based on truth. Our Declaration of Independence declares that all men are created equal, and that we are endowed with the unalienable right of liberty; that to secure our liberty we

established a representative democracy; and that our Government derives its powers from the consent of the governed.

But, the very survival of democracy depends on an informed citizenry. Therefore, if we are to survive as a free nation, we must not tolerate deception in government. If the basis of government is the consent of the governed from which it derives its just powers; then, clearly, unjust powers of government can also be consented to by the governed.

But, once the consent to unjust power is given, liberty can soon be replaced by tyranny. And, once tyranny is established, it no longer matters whether the governed consent, or not.

That's why government deception supported by official secrecy causes Americans to become frustrated, powerless, and dissatisfied with elected officials.

Our action here today in adopting the conference report on the Freedom of Information Act Amendments may prove to be one of the most significant steps we have taken in returning the U.S. Government to the hands of the American people. Unfortunately, our action did not come early enough to prevent the scandals which have rocked the Nation in the last year and which have rallied all people behind the cause of open government.

For although the people of this country have the power to go to the polls to record their wishes, they are denied the information with which to make wise decisions. Over the years, as our bureaucracy has expanded unchecked, a curtain of secrecy has fallen over its operations, a curtain only slightly less penetrable than the one which surrounds the Communist bloc.

Since the enactment of the first housekeeping statutes under George Washington for the purpose of allowing department heads to adopt regulations governing the custody, use and preservation of Official Government documents, the executive branch has become more and more effective in twisting these laws into an excuse for hiding information and documents from the American people.

Why do we have this secrecy in Government? In many instances, it appears that it is simpler for our Government officials to have a "secret" stamp on hand than to go to the trouble of digging up the information to answer a lot of questions. This same "secret" stamp makes it easier to hide the errors of judgment and the favors of politics which could be damaging to the men in control.

I have read reports of some pretty absurd uses of our information classification system. For instance, during the Korean war, the Department of Labor would not give out the details of the armed services purchase of peanut butter, contending that a clever enemy could deduce from these purchases the approximate number of men in the services. Yet at the same time the Department of Defense was releasing mimeographed sheets with a breakdown of the exact number of men in the Army, Navy, and Air Force.

Things have not improved much over the years, I am afraid, even though the passage of the 1967 Freedom of Information Act was a giant step in returning to the public access to their own public documents.

And although in the 1970's I am not really concerned with supplies of peanut butter, I am most concerned with the price and availability

of the bread it is spread on and the effect that the sale of grain and wheat to Russia has had on its cost to the American consumer.

Now let me briefly outline the difficulties I have had in my unsuccessful efforts to obtain information on this deal.

In the fall of 1973, I began an extensive investigation of the transactions behind the Russian grain deal. As a Member of Congress and as a member of the Intergovernmental Relations Subcommittee of the Committee on Government Operations—the committee charged with the investigative powers of the House of Representatives—I sought information on the wheat subsidies paid to each exporting company since July 8, 1972. I also requested information on the status and background of the investigation being conducted by the Department of Justice on the alleged Kansas City Wheat Market price fixing by certain individuals or grain companies. I made my requests through communication with Secretary of Agriculture Earl Butz, ASCS Administrator Kenneth Frick, Acting Attorney General Robert Bork, FBI Director Clearence Kelly, the Commodity Exchange Authority, and Assistant Attorney General Henry E. Petersen.

In each case, I was told that the information I requested was either not available or that it could not be made available to me. I was told that the FBI could not release the details of the investigation and that we must rely on the FBI's judgment that there had not been any illegal activities connected with the sale.

The investigations were secret, but it was no secret that bread prices were higher and the American people were not ready to accept such a decision from the FBI without having access to the facts that would back up such a judgment.

As long as a man is informed, he can usually take action to insure that his other rights are not violated. If I, as a Member of Congress and the Government Operations Committee, who works daily with the bureaucracy, become frustrated when I am denied access to information vital to the public welfare, what about John Q. Citizen and his efforts to get the information he needs?

In conclusion, let me relate one more "horror" story. In 1971, a public interest group asked the Department of Agriculture for some information on pesticides. The Department told them they would have to be a little more specific as to what they wanted.

The group asked the Department for their index of files on pesticides so that they could specifically state the information needed. In response to this request, USDA not only denied them access to the index, stating that the index itself was a secret, but also restated their refusal to release the information on pesticides without the appropriate index number. Fortunately this particular group had the resources to go to court and sue for the information, which the court ordered released.

However, the case did not end here. Undaunted, USDA replied that they would be glad to release a copy of the information, but it would cost $91,000 and take a year and a half to get it together.

The group again went to court where USDA was told by the court to stop fooling around and release the information that was requested.

I shudder to think of the amount of time, energy, and money wasted in this process.

The enactment of these amendments to the Freedom of Information Act will put an end to the ridiculous delays, excuses, and bureaucratic runarounds which have denied U.S. citizens their "right to know" and made Americans a captive of their own Government.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Iowa.

Mr. GROSS. Are the amendments adopted by the conference germane to the bill?

Mr. MOORHEAD of Pennsylvania. In my opinion they are.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Can the gentleman tell us what happens to the provision in the bill where certain judges were permitted to make national security determinations?

Mr. MOORHEAD of Pennsylvania. Yes. The bill contains the requirement, which is in the House bill, that, where there is a stamp, a classification stamp, the court could go behind that, but we specified that the court should give great weight to an affidavit by the Department that this was properly classified. What we are trying to overrule is the situation described in the famous *Mink* case, where the court said to the Congress, no matter how frivolous or capricious the classification should be, that the court could not go behind it.

Mr. ERLENBORN. Mr. Speaker, I yield myself 5 minutes.

(Mr. Erlenborn asked and was given permission to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, I rise in support of the conference report on H.R. 12471, the Freedom of Information Act amendments.

Mr. Speaker, this bill passed with a rather overwhelming vote in the House, and there were only a few questions to be adjusted by the House and the Senate. These amendments to the Freedom of Information Act I think are those that all members can support. We are acting at this time in a way that is consonant with the times, and that is making information more readily available from the Government to members of the general public.

One of the questions that was raised in the conference, and was most difficult to resolve, was the question of an amendment proposed by the other body. It was incorporated in the bill as passed by the other body and would have allowed a sanction to be imposed by the court against Government employees who are found to have refused to giveinformation to someone who requested it without—and I quote—"a reasonable basis in the law."

I objected to this provision. I think it would have been an unconscionable burden on Government employees. I am happy to report that a compromise was adopted by the conference, one that I am not totally happy with, but I think it does improve the provision to the point where I can support the conference report.

As a matter of fact, the provision that is now in the bill is one that, in my judgment, could never result in the imposition of a sanction against a Federal employee.

The conferees agreed to change the text to that of an employee acting arbitrarily and capriciously rather than just without a reasonable basis in law. As a matter of fact, before the case ever gets to court, the employee who refuses to give information when a demand is made will have to have been supported by his superior. There will have had to have been an administrative appeal within the agency.

In most agencies this would mean that the general counsel of the agency would support the decision of the employee, and then the case would have to be brought to court by the one who was seeking the information. The Attorney General or the general counsel of the agency would then have to make a decision at that point that the case is sufficiently meritorious to defend. Then possibly the court might find the agency to be wrong, but I think in that circumstance the court could hardly find that the employee who has been sustained all the way along the line had acted arbitrarily or capriciously. Therefore, though we do have a provision in here for a sanction, it is limited to a case where there is action which is found by the court to be arbitrary and capricious.

The court would not make a determination as to the sanction, but would then certify the matter to the Civil Service Commission. The Civil Service Commission would be required to institute a proceeding.

I find that rather interesting, by the way: Proceeding.

I asked the principal sponsor of the Senate provision, Senator Kennedy of Massachusetts, what a proceeding was. He was unable in conference to define it. It is neither defined in the Civil Service law, nor is it defined in the Freedom of Information Act. What kind of proceeding is intended by the compromise of the conferees is really rather vague. Whether the employee would be entitled to counsel and whether there would have to be a public hearing are things which really are rather vague. However, because I expect this provision never to be utilized, I do not think it makes a great deal of difference.

Besides this provision, which was controversial, there are other noncontroversial provisions, some that I think are great advances in the law.

First of all, this does allow a court to review what could, and sometimes, I am sure, in the past, has been an arbitrary decision to classify a document for security reasons. This would not require the court to view the material, but would allow the court—and we make this clear in the conference report—allow the court to look at the affidavits from the affected agency, whether the Department of State or the Defense Department or other, and give great weight to these affidavits.

At that point only, if there was still a question remaining in the mind of the court, the court could conduct an in camera inspection of the material and see whether it had been properly classified within the terms of the Executive order setting forth the procedure for classification.

The SPEAKER. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Speaker, I yield myself 1 additional minute.

Only then would the court have an opportunity to view the material and make a determination as to whether it had been properly classified.

In addition, for those who think that the law has not been applied as it ought to have been in the past, there is one further provision of the act which I think is very helpful. Those who have been denied

information when they have made a demand under the law, and then go to court to prove that their demand was meritorious, the court can—is not required to, but can—award attorney's fees and court costs to the successful litigant.

I think that, on balance, the bill as reported by the conference is a good bill. I was happy to sign the conference report.

I hope that it will be adopted.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ERLENBORN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Horton).

(Mr. Horton asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, I rise in support of the conference report on H.R. 12471, the Freedom of Information Act Amendments of 1974.

Before becoming ranking minority member of the Government Operations Committee, I was a member of the subcommittee which has jurisdiction over this legislation. In that capacity, I have studied for several years how the Freedom of Information Act works and how it can be improved.

Let me assure you that the measure before us today will strengthen the public's right to know what its Government is doing. By strengthening the public's right to know, we make democracy work better. That is an objective we should all support wholeheartedly.

H.R. 12471 eases public access to Government information in several constructive ways. It requires agencies to publish indexes of documents, respond more quickly to requests for data, and submit annual reports to the Congress on their performance under this act. It grants individuals access to material they can reasonably describe—rather than identify with particularity—more prompt resolution of lawsuits they file under the freedom of information law, and an award of attorney fees—at the courts' discretion—in cases in which they substantially prevail. In addition, this bill makes clear that courts have the discretion to examine in chambers all contested records—including classified material—before deciding whether it is properly exempt from public disclosure.

Mr. Speaker, my dedication to freedom of information remains firm. I think the conference report before us is an improvement over the present law in this area. I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I would like to ask the gentleman from Pennsylvania some questions about section 2 of this bill. Section 2(a) amends paragraph (1) of 5 U.S.C. 552(b) to exempt from the requirements of the Freedom of Information Act matters which are—

> (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.

When coupled with section 552(a)(4)(B), as amended in this bill, this provision would permit a court to look behind the security classification given to a document by an agency to determine whether the document was properly classified. This provision is not intended to permit a court free rein to classify information as it wishes, is it?

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, if the gentleman will yield, it certainly is not.

First of all, a court could only determine whether the information was "properly classified pursuant to (an) Executive order." In other words, the judge would have to decide whether the document met the criteria of the President's order for classification—not whether he himself would have classified the document in accordance with his own ideas of what should be kept secret. Second, as we have said in the joint explanatory statement of the committee of conference:

> The conferees expect that Federal courts, in making de novo determinations in section 552(b)(1) cases under the Freedom of Information law, will accord substantial weight to an agency's affidavit concerning the details of the classified status of the disputed record.

Mr. HORTON. I would like to move now to section 2(b) of the bill. That section rewrites the subsection of the Freedom of Information Act which exempts certain law enforcement records from disclosure to the public. The new language exempts "investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would—among other things—disclose the identity of a confidential source and, in the case of a record complied by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source."

I would ask the gentleman two questions about this provision. First, with regard to the phrase "a lawful national security intelligence investigation," exactly what types of investigations does that encompass?

Mr. MOORHEAD of Pennsylvania. Let me quote to the gentleman from the joint explanatory statement of the committee on conference. That statement says:

> The term "intelligence" in (the) section (we are discussing) is intended to apply to positive intelligence-gathering activities, counter-intelligence activities, and background security investigations by governmental units which have authority to conduct such functions.

Mr. HORTON. So it would apply to more than just positive intelligence activities?

Mr. MOORHEAD of Pennsylvania. Yes. It would also apply to counter-intelligence activities and background security investigations.

Mr. HORTON. But it would not apply to investigations which were labeled "national security" but in reality had nothing to do with that subject matter?

Mr. MOORHEAD of Pennsylvania. No, it would not. The national security intelligence investigation must be "lawful" for information compiled in the course of it to be exempted from disclosure under the Freedom of Information Act.

Mr. HORTON. My second question is, this bill exempts from public disclosure confidential information furnished by a confidential source in the course of a criminal investigation if the records were compiled by "a criminal law enforcement authority" and the same kind of information given for a lawful national security intelligence investigation if the records were compiled by "an agency." By using the term "criminal law enforcement authority" in one place and "an agency"

in another, does this provision mean that the two terms are mutually exclusive, and that as a result, confidential information compiled by a criminal law enforcement authority in the course of a national security investigation would not be exempt from public disclosure?

Mr. MOORHEAD of Pennsylvania. No. Again, let me quote from the statement of managers:

> By "an agency" the conferees intend to include criminal law enforcement authorities as well as other agencies.

All agencies—criminal law enforcement authorities as well as others—could properly withhold confidential information compiled for a lawful national security intelligence investigation.

Mr. HORTON. Mr. Speaker, I thank the gentleman for his lucid explanations and commend him for the interpretations of the bill which he has given.

I would like to make a separate point with regard to the conference report. Section (1)(b)(2) writes into the Freedom of Information Act a requirement that fees charged by agencies for performing services under the act "shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication."

Some question has arisen as to the meaning in this provision of the term "document search." As the ranking minority House member of the committee of conference, I wish to express my opinion that this term means not just a search for documents, but also a search within documents to determine which specific portions are subject to public disclosure and which are exempt from the provisions of the act. It does not encompass a review by agency lawyers or policymaking or other personnel to determine general rules which they or other employees later follow in deciding which specific portions are exempt from disclosure.

Let me cite just one example of how the conferees, in my judgment, mean that this distinction should be applied. Suppose someone requested the FBI to provide all documents in its possession relating to investigations of the Communist Party of the United States. The FBI estimates that it has 2 million pages of such documents. The Bureau's lawyers would first have to review samples of this material to formulate guidelines for other personnel to use in applying the exemptions of the act to the entire group of papers. The Agency could not charge fees for this examination. Then the other personnel would search through the documents, page by page, to determine which portions could be made public and which could not. This action would be subject to fees under the act.

The FBI has estimated that the page-by-page search through the documents would consume 225 man-years. Even if each employee participating in the search was paid only $10,000 per year, the cost of responding to this one request would be more than $2 million. The committee report on the House bill estimated the cost of the entire bill as $100,000 per year; the report on the similar Senate bill estimated the cost as $40,000 annually. Surely, the committee on conference could not have intended that agency expenses in searching through documents to comply with requirements of the law not be reimbursable. If that were the case, the conferees would have written a bill which would

entail expenditures for responding to one request more than 20 times greater than the annual expense of the more costly of the two similar bills they were reconciling.

Mr. Speaker, I thank the gentleman for this time and yield back to him.

Mr. ERLENBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. Thone).

(Mr. Thone asked and was given permission to revise and extend his remarks.)

Mr. THONE. Mr. Speaker, I rise in support of the conference report on H.R. 12471. This bill amends the Freedom of Information Act of 1966 in several ways, all of them designed to increase the public's access to Government information. As one who has fought for openness in Government for many years, first in Nebraska and now in the Congress, I am proud to add my support to that of other Members advocating passage of this conference report.

Mr. Speaker, I would point in particular to provisions of this legislation which require agencies to respond to requests promptly and actually reimburse some successful plaintiffs who bring suit under the law. Section 1(c) of the measure provides that agencies must respond to requests for information within 10 days, and decide on appeals of decisions to withhold data within 20 additional days. These time limits could be extended only in unusual circumstances defined in the bill, and then only for 10 days. This provision will cure the unfortunate tendency which we have noted in some agencies to delay responding to citizen requests. Section 1(a) permits judges to assess attorney fees against the Government in cases in which complaints substantially prevail. This would surely discourage agencies from keeping matters secret unless they are quite convinced that withheld information would be within the law.

In these ways as in others, this bill represents a great step forward for freedom of information. I strongly support H.R. 12471.

Mr. THOMPSON of New Jersey. Mr. Speaker, as a cosponsor of the original bill that was acted upon earlier this session, I am pleased to support the conference report on H.R. 12471. In many ways it is a stronger and more comprehensive Freedom of Information measure than the bill we passed in March by an overwhelming 383 to 8 vote. I commend the House conferees for their insistence on the basic principles of the House version during the conference deliberations and for their wisdom in accepting several important provisions added by the other body. This is an important bill that will make the Freedom of Information law more effective, more workable, and vastly more meaningful in advancing the public's "right to know" about the affairs of our Federal Government.

During the debate on H.R. 12471 last March, I stated that—

> Government secrecy for the purposes of hiding wrongdoing, inept leadership, or bureaucratic errors undermines and can eventually destroy our system of representative government.

Since then, we have seen dramatic evidence of the effects of government secrecy, and the corruption it produced, as a result of disclosures during the impeachment proceedings of the Judiciary Committee. This legislation, when signed into law, will be the first major step for-

ward in helping to restore the confidence of the American people in the institutions of government by purging the body politic of the secrecy excesses which marked the sordid Watergate coverup during the Nixon administration.

Mr. Speaker, I urge the House to adopt this conference report adding these significant strengthening amendments to the Freedom of Information Act.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I have no further requests for time.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 349, nays 2, not voting 83, as follows:

[Roll No. 574]

YEAS—349

Abdnor
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Cochran
Collier
Collins, Ill.
Collins, Tex.
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.

Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Howard
Huber
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mann
Martin, Nebr.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reuss
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.

Spence	Traxler	Wilson, Charles H., Calif.
Staggers	Treen	Wilson, Charles, Tex.
Stanton, J. William	Udall	Winn
Stanton, James V.	Van Deerlin	Wolff
Stark	Vander Jagt	Wright
Steed	Vander Veen	Wyatt
Steiger, Ariz.	Vanik	Wydler
Steiger, Wis.	Veysey	Wylie
Stephens	Vigorito	Wyman
Stokes	Waggonner	Yates
Stubblefield	Waldie	Yatron
Stuckey	Walsh	Young, Alaska
Studds	Wampler	Young, Fla.
Sullivan	Ware	Young, Ga.
Talcott	Whalen	Young, Ill.
Taylor, N.C.	White	Young, Tex.
Thompson, N.J.	Whitten	Zablocki
Thomson, Wis.	Wiggins	Zion
Thone	Williams	
Thornton	Wilson, Bob	

NAYS—2

Burleson, Tex.	Landgrebe

NOT VOTING—83

Adams	Hays	Preyer
Archer	Hébert	Pritchard
Armstrong	Hinshaw	Rarick
Bell	Hosmer	Rees
Blackburn	Hudnut	Reid
Blatnik	Hunt	Rhodes
Brasco	Johnson, Colo.	Roberts
Brown, Mich.	Jones, Okla.	Rooney, N.Y.
Burke, Calif.	King	Roy
Carey, N.Y.	Lujan	Runnels
Carter	Luken	Shoup
Clawson, Del.	McCloskey	Sikes
Clay	Mahon	Snyder
Cohen	Mallary	Steele
Conable	Maraziti	Steelman
Conyers	Martin, N.C.	Stratton
Daniel, Robert W., Jr.	Mathias, Calif.	Symington
Daniels, Dominick V.	Mathis, Ga.	Symms
Diggs	Mills	Taylor, Mo.
Dorn	Minshall, Ohio	Teague
Eckhardt	Mitchell, N.Y.	Tiernan
Evins, Tenn.	Murtha	Towell, Nev.
Findley	Nelsen	Ullman
Giaimo	O'Neill	Whitehurst
Grasso	Pepper	Widnall
Hammerschmidt	Poage	Young, S.C.
Hanna	Podell	Zwach
Hansen, Idaho	Powell, Ohio	

So the conference report was agreed to.
The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Dorn.
Mr. Hébert with Mr. Blatnik.
Mr. Dominick V. Daniels with Mrs. Burke of California.
Mr. Sikes with Mr. Clay.
Mr. Stratton with Mr. Mahon.
Mr. Adams with Mr. Nelsen.
Mr. Carey of New York with Mr. Minshall of Ohio.
Mr. Giaimo with Mr. Hansen of Idaho.
Mr. Mathis of Georgia with Mr. Hosmer.
Mr. Roberts with Mr. Martin of North Carolina.
Mr. Hays with Mr. Maraziti.
Mr. Conyers with Mr. Luken.
Mr. Reid with Mr. Mallary.
Mr. Diggs with Mr. Tiernan.
Mr. Teague with Mr. Cohen.
Mr. Ullman with Mr. Brown of Michigan.
Mr. Pepper with Mr. King.
Mr. Preyer with Mr. Blackburn.
Mr. Roy with Mr. Hinshaw.
Mr. Hanna with Mr. Carter.
Mrs. Grasso with Mr. Bell.
Mr. Jones of Oklahoma with Mr. Conable.
Mr. Mills with Mr. Archer.
Mr. Rarick with Mr. Robert W. Daniel, Jr.
Mr. Runnels with Mr. Del Clawson.
Mr. Eckhardt with Mr. Findley.
Mr. Evins of Tennessee with Mr. Hammerschmidt.
Mr. Murtha with Mr. Hudnut.
Mr. Symington with Mr. Lujan.
Mr. O'Neill with Mr. Hunt.
Mr. Mitchell of New York with Mr. Mathias of California.
Mr. Steelman with Mr. McCloskey.
Mr. Pritchard with Mr. Powell of Ohio.
Mr. Shoup with Mr. Rees.
Mr. Widnall with Mr. Snyder.
Mr. Symms with Mr. Steele.
Mr. Taylor of Missouri with Mr. Zwach.
Mr. Whitehurst with Mr. Towell of Nevada.

The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

General Leave

Mr. Moorhead of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Freedom of Information conference report just agreed to.

The Speaker. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.