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I have called for a congressional investigation of these recent sales and have expressed to President Ford my misgivings.

Is Egypt now committed to peace in the Middle East? Do we even know whether Egypt's hungry will receive this food? Even at 3 percent for 20 years, can Egypt repay these loans?

In addition to squandering scarce food—when Americans are paying up to 20 cents a pound for bread—we are, subsidizing inefficient agricultural practices with these loans. A strong, self-sufficient economy in Egypt will not develop through reliance on hand-outs and lend-aways.

Changes in Legislative Program

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I wish to make an announcement concerning the schedule for the House of Representatives.

The following resolution that was listed under suspension of the rules was not called up, and that is House Resolution 1399, world food situation.

Pursuant to the Speaker's announcement, in addition to the program previously announced, the following measures will be considered under the suspension of the rules tomorrow:

H.R. 16797, extending the Emergency Petroleum Allocation Act of 1972;

H.R. 1860, to amend the National Wildlife Refuge System Administration Act of 1966;

S. 763, Antitrust Procedures and Penalties Act;

House Joint Resolution 1117, American Indian Policy Review Commission; and

H.R. 12071, Forest Service fire protection contracts.

I am writing, further, Mr. Speaker, that this will fill into the program that has been presently scheduled. The Members will note on the whip's notice we scheduled Wednesday and the balance of the week. If we have not completed the program by Thursday of this week, it is the intention of the leadership on both sides of the aisle to work on Friday. That is, it is our intention to complete the program for the week, and that if it has not been completed by Thursday night, then there will be a Friday session.

I may also say that the leadership on both sides of the aisle had a meeting this morning, and for next week we will meet on Monday and Tuesday, and on conclusion of the business on Tuesday night, the House will adjourn for the remainder of the week, which is Thanksgiving week. That means that we will be adjourned on Wednesday and Thursday, Thursday, of course, being Thanksgiving Day.

Then on the next Monday, which is December 3, there will be caucuses that day for both sides of the aisle, the Democrats and the Republicans. The Democratic caucus will go forward with the reminder of its program on Tuesday.

Wednesday and Thursday mornings if necessary.

We would also expect to have caucuses in the evenings of Tuesday and Wednesday after the House has adjourned, if necessary. There will be legislative sessions on December 3, 4, and 5 but not on Monday, December 3.

Communication from the Clerk

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

October 17, 1974

Hon. Carl Albert, The Speaker, House of Representatives.

Dear Mr. Speaker:

Pursuant to the permission granted on October 16, 1974, the Clerk of the House is forwarding a message from the Secretary of the Senate: That the Senate has passed without amendment, H.J. Res. 1167, making further continuing appropriations for the fiscal year 1975, and for other purposes.

With kind regards,

Sincerely,

W. Pat Jennings, Clerk, House of Representatives.

Announcement by the Speaker

The Speaker. The Chair desires to announce that pursuant to the authority granted him on Wednesday, October 16, 1974, he did, on Thursday, October 17, 1974, sign the following enrolled bills and joint resolution of the House:

H.R. 1394, to amend the farm Labor Contractor Registration Act of 1953 by extending its coverage and effectuating its enforcement;

H.R. 12417. An act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, to authorize appropriations for additional costs of land acquisition for the national park system, and for other purposes;

H.J. Res. 1167. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

Communication from the Clerk of the House

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

October 17, 1974

Hon. Carl Albert, The Speaker, House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 6:02 P.M. on October 17, 1974, and said to contain H.R. 12471. An act to provide for a Freedom of Information Act, and a veto message thereon.

With kind regards, I am

Sincerely,

W. Pat Jennings, Clerk, House of Representatives.

Freedom of Information Act—Veto Message from the President of the United States (H.R. DOC. No. 85-343)

The Speaker laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 12471, a bill to amend the public access to documents provisions of the Administration Procedures Act. On August 1, I transmitted a letter to the Congress expressing my support for the direction this legislation is taking and my concern with some of its provisions. Although I am gratified by the Congressional response in amending several of these provisions, significant problems have not been resolved.

First, I remain concerned that our military documents and secrets such as the strategic defense initiative could be adversely affected by this bill. This provision remains unaltered following my earlier letter.

I am prepared to accept those aspects of the provision which would enable courts to inspect classified documents and review the justification for their classification. However, the courts should not be forced to make what amounts to the initial classification decision and give weight to areas where they have no particular expertise. As the legislation now stands, a determination by the Secretary of Defense that any document of a document would endanger our national security would, even though reasonable, have to be overturned by a district judge who thought the plaintiff's position just as reasonable. Such a provision would violate constitutional and needless weight before the courts to an executive determination involving the protection of our most vital national defense interests. It is a determination involving routine regulatory matters.

I propose, therefore, that where classified documents are secrets such as the strategic defense initiative could review the classification, but would have to uphold the classification if there is a reasonable basis to support it. In determining the reasonableness of the classification, the courts would consider all attendant evidence prior to reciting to an in camera examination of the document.

Second, I believe that confidentiality would not be maintained if many millions of pages of FBI and other investigative law enforcement files would be subject to compulsory disclosure at the behest of any person unless the Government could prove to a court—separately for each paragraph of each document that disclosure would cause a type of harm specified in the amendment. Our law enforcement agencies do not have, and could not obtain, the large number of trained and knowledgeable personnel that would be needed to make such a line-by-line examination of information requests that sometimes involve hundreds of thousands of documents, within the time constraints added to current law by this bill.

Therefore, I propose that more flexible criteria govern the responses to requests for particularly large investigative records to mitigate the burden of which these amendments would otherwise impose, in order not to dilute the primary responsibilities of these law enforcement activities.

Finally, the ten days afforded an agency to determine whether to furnish a requested document and the twenty...
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days afforded for determinations on appeal are, despite provision containing unreviewable, simply unrealistic in some cases. It is essential that additional latitude be provided.

I submit, that language which would compel my concerns regarding the manner of judicial review of classified material and for mitigating the administrative prohibitions against the release of information under the system for open government than the philosophy underlying the Freedom of Information Act.

In that letter, Mr. Speaker, he raised certain questions about specific provisions of H.R. 12471, one of which had already been tentatively agreed to by the House-Senate conferences during earlier consideration of the conference commission. Nevertheless, we carefully studied President Ford's arguments, discussed them in a meeting of the conference commission to help allay his concerns. As I interpreted his concerns, he had requested that we consider changes in both the bill language and in the conference report to help allay his concerns. At that time I told him that the bill would be sent to the White House before October 7. We have gone “more than half-way” to accommodate those concerns.

But 10 days later, he vetoed the Freedom of Information Bill. It is now clear, Mr. Speaker, that congressional cooperation is not sufficient for the President, in his view, to sustain the White House viewpoint. I refuse to abdicate my duties as a Member of this House and hope that an overwhelming vote by our colleagues to override this unprecedented veto will make it clear to the President that cooperation is a two-way street.

As in the Watergate debacle, the umbrellas of “national security” are now being raised to cover the real reasons for the bureaucrats’ opposition to the President’s right to know. The message itself is filled with inaccurate statements, misconceptions, and warped interpretations of the bill language that are, according to anyone who is really knowledgeable about the law, would not, in any way, bare our Nation’s secrets, nor would it jeopardize the security of sensitive national defense or foreign policy materials.

Mr. Speaker, 6 years ago when Congress passed the original Freedom of Information Bill, President Johnson was vetoed the measure by every single Federal agency. Bureaucrats said that it was unconstitutional; some said it would bring the business of Government to a halt; others foolishly claimed that it would give away our vital defense secrets to foreign powers. But Lyndon Johnson was well versed in the ways of the Federal bureaucracy. He was not fooled by their rantings and ravings. He courageously rejected their silly arguments and signed the bill into law. In his statement he reaffirmed the people’s right to know when he said:

No one should be able to pull curtains of secrecy around decisions which can be revealed without serious interest.

This year the House and Senate approved the conference version of H.R. 12471 to add needed teeth to the original 1966 Freedom of Information law to plug loopholes used by Federal bureaucrats to hide information from the public. The House rollcall vote was 249 to 2 and the Senate approved it by voice vote. During our hearings, every executive branch witness opposed any strengthening changes to the present law. The Nixon White House and Justice Department lobbies lobbied vigorously in the other body in a vain attempt to kill the freedom of information legislation.

When H.R. 12471 was the subject of a bill by Congress and sent to the White House, the Federal bureaucracy predictably geared up an all-out effort to persuade President Ford to veto it. As in 1964, almost every Federal agency recommended a veto. Many of the same old discredited arguments which President Johnson had rejected were dusted off and fed into the White House. Such overused clichés as “administrative burden,” “flexible criteria,” “proprietary disclosure,” and the old reliable bureaucratic standby “national security” were all sprinkled throughout the veto message. Thus, President Ford succumbed to the old lies of the bureaucrats, who apparently have so much to hide from the public.

But the obvious public need for truly open government—in an age where more people are aware of the failures of our Government agencies and the need for accountability and in an age of rising public expectations for a more responsive Government—will not be satisfied on the altar of bureaucratic secrecy, suspicion, and meaningless slogans. The lessons learned from the tragic Watergate fiasco should be reflected in some positive achievement to prove to the American people that Congress—at least—is sensitive and responsive to the public’s demand for an “accountable Government” in the conduct of our public business.

Mr. Speaker, our colleagues in the House will have the opportunity to vote to override this misguided Presidential veto of the Freedom of Information Act amendments on Wednesday, November 20, if the motion I have just offered. I stress the fact that this is not partisan issue that divides us along party lines. Our effort to override this veto is being led by both Republicans and Democrats on our Government Operations Committee, as shown by the “dear colleague” letter sent to all Members today and signed by all committee members; the ranking minority member of the full committee, the gentleman from New York (Mr. Horner); by the ranking minority member of our subcommittee, the gentleman from Illinois (Mr. Ensmoyer); and by myself, as chairman of the Foreign Operations and Government Information Subcommittee. That’s all; our letter enclosed a reprint containing a representative selection of editorials from across the Nation urging that Congress override this veto. Every Member should have in his office a copy of this reprint and our letter.

Mr. Speaker, we urge our colleagues of both parties to join us in this fight for more responsible Government—"no excuses.” We trust that we can—by an overwhelming vote to override this veto—show the American people the sincerity of our pledge to truly open Government and the willingness of Members of Congress to stand up and be counted on this vital issue.

Mr. Speaker, the “dear colleague” letter is as follows:
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WASHINGTON, D.C., November 18, 1974.

DEAR COLLEAGUE: A vote will be taken in the House on Wednesday, November 20, on overriding the veto of H.R. 11541, the Senate Resolution of 1974. We will vote "aye"—to override—and hope you will join with us.

We promised for more than 2 years in the bipartisan development of these amendments to the Freedom of Information Act, that we would be completely frank about the issues raised in the veto message—both pro and con—and carefully worked to make certain that the changes required were the right kind of changes to provide the right kind of protection for the right kind of people. We believe those changes were fully explained in the veto message, and that we have accomplished the best that can be done for the protection of the public.

The object of the Senate amendments was to get the legislation ratified. We believe those objectives were accomplished by these changes.

H.R. 11541 passed the House March 14 by a vote of 288 to 58, and the Senate report won approval by a 96 to 3 roll call vote. Congress is now better informed, and the people who have more confidence in our Federal government.

If we can enact these Freedom of Information Amendments into law over President Ford's veto, this legislation will help to restrain our civil servants, and will help to restrain them from the agencies who pay their salaries.

The attached reprint of some of the representations made to the House subcommittee over the past several weeks—all parts of the country—indicates the strength of public feeling on this issue.

We suggest that President Ford must have listened more carefully than to the Congress and the people when he decided on his veto.

The matter is now in the court of reason, and in the court of conscience. The people are looking to Congress to make the right decision on the issue, and Congress must act.

I hope you will join in voting to override the veto, and to pass the Freedom of Information Act on veto on Wednesday, November 20.

Sincerely,

RICHARD H. MILLER,
Chairman, House Executive Committee.

WASHINGTON, D.C.

October 22, 1974.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,

October 22, 1974.

HON. CARL ALBERT,
The Speaker,
House of Representatives.

The followingvehicles from the White House, received in the Clerk's Office at 3:45 p.m. October 22, 1974, and signed to contain H. R. 11541, an Act to amend the National Wildlife Refuge System Administration Act of 1966, in order to strengthen the standards under which the Secretary of the Interior may permit certain uses to be made of areas within the system and to require payment of the fair market value of rights-of-way or other interests granted in this bill prevents it from becoming law, and a veto message thereof.

With kind regards, I am

Sincerely,

W. P. JANUSZ,
Clerk, House of Representatives.

(By Assistant Clerk, J. O'Brien.)

NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-562)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am withholding my approval from H.R. 11541, a bill which would amend the National Wildlife Refuge System Administration Act of 1966. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it from becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by Congress to be considered at this time.

This bill would amend section 4(d) of the Act of October 19, 1966, by adding a new standard in determining the authority of the Secretary of the Interior to allow certain rights-of-way across lands of the National Wildlife Refuge System. This new standard would require the Secretary to review all reasonable alternatives to the use of such areas, and then make a determination that the proposed right-of-way use is the most feasible and prudent alternative for such purpose. The use of adequate energy-transmission and communication facilities, we must have rights-of-way on which to course. When such lands have a special status as wildlife refuges or national parks, we must fully protect this status when portions of such areas are sought for use as rights-of-way.

However, I believe that such protection is properly provided under existing law which requires environmental impact statements to be considered prior to the Secretary of the Interior to determine that granting a right-of-way across a national wildlife refuge or national park must be compatible with the purposes for which the park or refuge had been established. Only last year Congress enacted legislation which had the effect of reaffirming this protection in the case of refuges.

Briefly, our wildlife refuges are properly protected by existing law. We should avoid changes in the law that could create further obstacles and delays in the construction of vital energy facilities, particularly those facilities designed to help meet urgent energy needs.

Accordingly, I am withholding my approval from H.R. 11541.

GERALD R. FORD,
The White House, October 22, 1974.

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

Mr. DINGELL. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell).

Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. V. P. GROSS. This is to refer the bill, not the motion on the vote, but to refer the bill; is that correct?

Mr. DINGELL. If the gentleman will permit, the motion refers both the message and the bill back to the Committee on Merchant Marine and Fisheries, which originally had the legislation.

It is my intention and the intention of the chairman of the full committee that it will be appropriately given to the minority to have a bill on the floor without the features to be put into it by the President objected when we consider suspensions of the rules legislation tomorrow.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to. A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,

October 29, 1974.

HON. CARL ALBERT,
The Speaker,
House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith several envelopes from the White House, received in the Clerk's Office at 8:38 p.m. on Tuesday, October 29, 1974, and signed to contain H. R. 11541, an Act to extend the authorities of appropriations in the Rehabilitation Act of 1974 for the Department of Labor, and the Department of Housing and Urban Development to carry out the provisions of the Rehabilitation Act of 1973 to transfer to the Department of Housing and Urban Development to the Office of the Secretary of Health, Education, and Welfare, and most especially to the Secretary of Labor, for the purposes of the Rehabilitation Act of 1973 for the transmittal of funds to the Office of Vocational Rehabilitation under the Rehabilitation Act of 1973 for the transmittal of funds to the Office of Vocational Rehabilitation under the Rehabilitation Act of 1973 to carry out the provisions of the Rehabilitation Act of 1973.

The motion was agreed to. A motion to reconsider was laid on the table.

Gerald R. Ford