D. HOUSE ACTION AND VOTE ON CONFERENCE REPORT, OCTOBER 7, 1974; PP. H10091-H10099

FREEDOM OF INFORMATION ACT AMENDMENTS

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

There was no objection.

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

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

Mr. MOOREHEAD 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 considered 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 tightened 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:

G.0VERNMENT EMPLOYEES COUNCIL—AFL-CIO,

H.0.R. WILLIAM MOOREHEAD,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MOOREHEAD: 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.
On November 2, 2005, at 12:00 P.M., the Corporation of Public Broadcasting (CPB) will release results of its annual meeting in Alexandria, Virginia. The CPB will present a detailed report on the Corporation's financial and program information. The meeting will be held on the 2nd floor of the Newseum, 1776 Pennsylvania Avenue, Washington, D.C.

The CPB is a nonprofit corporation that provides public broadcasting services to the American public. It distributes programs to public radio and television stations across the United States. The CPB is funded by a combination of federal, state, and private contributions.

The annual meeting is open to the public, and attendees will have the opportunity to hear from CPB officials and to ask questions during the question-and-answer session. The meeting will be streamed live online, and a video of the event will be available for viewing afterward.

The next annual meeting will be held on November 2, 2006, at 12:00 P.M. The location and details of the meeting will be announced in the coming weeks. For more information, visit the CPB's website at www.cpb.org or call 202-434-6215.
385
The second step in determining the public's right to know about the information, but it wouldn't be enough to focus solely on the legal aspect of the issue. There were a few things that needed to be considered:

1. The information in question is not just a matter of public interest, but also a matter of national security. The Department of Defense, for example, has a duty to protect national security information. The Department of Commerce, on the other hand, has a duty to protect trade secrets.

2. The information in question is not just a matter of public interest, but also a matter of privacy. The Department of Justice, for example, has a duty to protect individuals from unauthorized disclosure of personal information. The Department of Health and Human Services, on the other hand, has a duty to protect the confidentiality of medical records.

3. The information in question is not just a matter of public interest, but also a matter of safety. The Department of Transportation, for example, has a duty to protect the public from unsafe transportation practices. The Department of Energy, on the other hand, has a duty to ensure the safety of nuclear facilities.

In conclusion, the right to know is an important right, but it must be balanced with the need to protect national security, privacy, and safety.
The issue of the Freedom of Information Act is always a matter of concern. The Act is designed to ensure that the public has access to government information, but there are limitations to what can be disclosed. The purpose of this legislation is to promote transparency and accountability in government, but it is not without controversy. There have been cases where the government has tried to restrict access to information, citing national security or other concerns. Despite these challenges, the Freedom of Information Act remains an important tool for citizens seeking to hold their government accountable.

The processing of Freedom of Information Act requests can be lengthy and complex. It is important for individuals to understand the process and the rights they have under the Act. The public has a right to access information held by government agencies, but there are procedures to follow in order to request information. It is advisable to seek legal advice if there is a dispute over a Freedom of Information Act request.

In conclusion, the Freedom of Information Act is an essential tool for citizens seeking to access government information. It is important to understand the process and rights available under the Act in order to ensure transparency and accountability in government.
The proposed bill, the Omnibus Trade and Competitiveness Act of 1993, was introduced in Congress on July 15, 1993. This bill aims to provide the President with authority to negotiate, conclude, and implement trade agreements as a means to promote U.S. exports and protect U.S. workers.

The bill also seeks to strengthen the U.S. Trade Representative's authority to investigate and adjudicate trade disputes, including those involving intellectual property. It provides for the establishment of a Trade Remedies Task Force to study the impact of trade on U.S. workers.

In addition, the bill includes provisions to improve the enforcement of existing trade agreements and to enhance the enforcement of intellectual property rights. It also aims to promote the development of new trade agreements with countries that have a history of non-cooperation with U.S. trade policies.

The bill is the result of a comprehensive study of the nation's trade policy, and it is intended to provide a framework for the negotiation of new trade agreements that will benefit the U.S. economy and protect the interests of U.S. workers.

The bill was introduced by Senator Robert C. Byrd (D-WV) and Representative Don Young (R-AK), and it has been endorsed by a wide range of stakeholders, including business groups, labor unions, and consumer advocates.
There was no objection.

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

Mr. Mooney of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 Résumés days in which to respond to the request of Mr. Mooney of Pennsylvania.

Chairman of the Committee on Rules.

A motion to reconsider was laid on the table.

The final vote of the House was announced as above recorded.

At 9:15 p.m., the Speaker, Mr. Davis, called the roll.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

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Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.

Mr. Mosby of New York, Mr. Nix, Mr. Delegate to the Senate, Mr. Delegate to the Senate, Mr. Delegate to the Senate.