ported court decisions, 259. which have been cited substantially through numerous re-
sections of the Act. The exceptions to the FOIA are those set out in subsection (q) of section 552. It is clear that the primary purpose of the Act is to limit the
scope and extent of the Act's applicability to the Freedom of Information Act (FOIA) and to
provide for more detailed rules on the meaning of the word "information" in the
FOIA. The committee recognizes that the Act was not intended to create a
substantive right to information that is not already

PROCESS

to pass Committee action on the bill was unanimous.

REPORT

Mr. Kellogg, from the Committee on the Judiciary, submitted the

H.R. 2563, to amend section 552 of the Freedom of Information Act (S. 2563) to amend section 552 of the Freedom of Information Act (FOIA) to

ADVISING THE FREEDOM OF INFORMATION ACT

No. 93-257

2d Session

SENATE

39th Congress
The House Oversight and Government Reform Committee met in executive session on April 16, 1996, to consider the protection of government information and the Freedom of Information Act. The committee heard testimony from government officials and members of the public on the need for protection of government information and the importance of the Freedom of Information Act. The committee discussed the need for a balance between the protection of government information and the public's right to know. The committee also considered the potential impact of the new Electronic Government Act on the protection of government information.

The committee recommended that the House pass legislation to strengthen the protection of government information while maintaining the public's right to know. The committee also recommended that the government increase efforts to educate the public about the importance of government information and the Freedom of Information Act. The committee concluded that the protection of government information is essential to the functioning of a democratic society.
The Freedom of Information Act (FOIA) is a law that gives you the right to access records from the government. This page provides a detailed discussion on the exemptions to the FOIA and how they are applied.
The ease with which the FOIA is enforced has been a major concern. Some witnesses at subcommittee hearings testified that the enforcement procedures are cumbersome and time-consuming, often resulting in delays that exceed the timeframe of the Act. In addition, some agencies have been accused of not adequately responding to requests or of providing inadequate or incomplete information.

The FOIA has also been criticized for its exemptions, which are intended to protect national security, law enforcement, and other sensitive information. However, some exemptions have been interpreted broadly, leading to concerns that they are being used to shield information that should be publicly available.

In response, Congress has made efforts to amend the FOIA to address these concerns. The Freedom of Information Act Amendments Act of 1972 (PL 92-440) added new exemptions for certain types of information, such as personal information, and increased the role of the Office of Information and Privacy in enforcing the Act.

The role of the General Counsel of the Office of Information and Privacy has also been strengthened, with the appointment of an agency-internal ombudsman to oversee compliance and ensure that agencies are following the Act.

Despite these efforts, the FOIA remains a complex and contentious issue, with ongoing debates about how to balance the need for transparency with the need to protect sensitive information.
S. 2450, the "New Vision for a New Expression".

Section 1 of the POLA Act provides for the President's Office of Information and Communications Technology (OIC) to be renamed the Office of Information and Communications Technology (OICT) of the Philippines.

Section 2 of the POLA Act mandates the creation of the Office of the National ID System, which is to be headed by the Secretary of the Department of Information and Communications Technology (DICT). The Secretary of DICT is appointed by the President and is responsible for the implementation of the National ID System.

Section 3 of the POLA Act authorizes the Secretary of DICT to enter into agreements with private sector entities for the provision of services related to the National ID System.

Section 4 of the POLA Act provides for the creation of the National ID System Board, which is to be composed of representatives of the government and private sector entities involved in the implementation of the National ID System.

Section 5 of the POLA Act requires the Secretary of DICT to report to the Congress on the progress of the implementation of the National ID System.

Section 6 of the POLA Act mandates the establishment of a National ID System Advisory Council, which is to be composed of representatives of the government and private sector entities involved in the implementation of the National ID System.

Section 7 of the POLA Act authorizes the Secretary of DICT to enter into agreements with foreign countries for the exchange of information related to the National ID System.

Section 8 of the POLA Act requires the Secretary of DICT to report to the Congress on the progress of the implementation of the National ID System.
The specific procedures detailed in section 257.5(d) are imposed to ensure that the criteria for control of the department's information are met. These criteria are aimed at ensuring that the information is not disclosed or is disclosed only under the proper circumstances. The specific procedures include the following:

1. The information is to be controlled by the department's official, who is responsible for ensuring that the information is not disclosed.

2. The information is to be controlled by the department's official, who is responsible for ensuring that the information is not disclosed.

3. The information is to be controlled by the department's official, who is responsible for ensuring that the information is not disclosed.

4. The information is to be controlled by the department's official, who is responsible for ensuring that the information is not disclosed.

5. The information is to be controlled by the department's official, who is responsible for ensuring that the information is not disclosed.

The specific procedures are designed to ensure that the information is not disclosed or is disclosed only under the proper circumstances. These procedures are intended to protect the confidentiality of the information and to ensure that it is used only for the purposes for which it was intended. The specific procedures are designed to ensure that the information is not disclosed or is disclosed only under the proper circumstances. These procedures are intended to protect the confidentiality of the information and to ensure that it is used only for the purposes for which it was intended.
The bill allows for judicial discretion to determine the reasonable cost of corrective action.
Robert Anderson

The proposed bill in the current session of Congress provides for an extension of the consumer credit counseling program. The program was established under Section 1001 of the National Bankruptcy Reform Act of 1978, which was designed to provide assistance to consumers who are facing financial difficulties. The bill seeks to expand the program by authorizing the Federal Trade Commission to conduct a nationwide consumer credit counseling program. The program would be administered by the Federal Trade Commission in consultation with the Federal Reserve Board, and would include the provision of counseling services to consumers, as well as education and advocacy activities. The bill also contains provisions to ensure the program's effectiveness and accountability, including requirements for periodic evaluations and reporting. The proposed bill is expected to be considered by Congress in the near future.
who is using the information that is shared under the

Do you know which of these options is correct?

O. Yes, I do.

X. No, I don't know.
The American Civil Liberties Union opposes the

The FOIA (Freedom of Information Act) provisions of the

DOJ (Department of Justice) proposes changes to

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The Freedom of Information Act (FOIA) was enacted to provide the public with access to information about the federal government. It grants the right to request records from federal agencies. Agencies are required to provide access to requested records in a timely manner. The Act applies to over 30 federal agencies and establishments.

Section 5 of the United States Code (USC) 552(a) states that the records of the government are open to the public unless they are exempt from disclosure due to various reasons, such as national security, law enforcement, and personal privacy.

Chapters 1-2 of the Code of Federal Regulations (CFR) 45 contain regulations implementing the FOIA. Agencies are required to maintain an active FOIA log and to report to the Department of Justice (DOJ) on the status of requests.

The FOIA also provides for administrative review of agency decisions on FOIA requests. This includes the ability to file a lawsuit in federal court if the agency fails to respond within 20 business days.

In summary, the FOIA is a critical tool for transparency and accountability, ensuring that the public has access to information about the government's actions and decisions.

Authorization for Application

Access to records under the FOIA is available to any person, including foreign individuals and entities. However, the Act does not apply to information held by agencies that are not subject to the FOIA, such as state and local governments.

The FOIA also includes provisions for fees and fees-related procedures. Agencies may charge fees for the production of records in response to FOIA requests, and these fees are intended to cover the costs of生产和 processing the records.

Privacy Concerns

The FOIA does not permit agencies to disclose personal information that is protected by federal laws, such as the Privacy Act of 1974. Agencies are required to take steps to protect the privacy of individuals when handling FOIA requests.

In addition, agencies may deny or limit access to records if they determine that disclosure would pose a threat to national security or law enforcement.

Conclusion

The FOIA is a powerful tool for ensuring transparency and accountability in government. It provides the public with a means to access information about the government's activities, which is essential for a functioning democratic society.
thereafter, in the Federal Register.

The Federal Register is the official publication of the Federal Government of the United States, which contains information on proposed and final rules, regulations, and other notices of interest to the public. It is a valuable resource for staying informed about government actions and policies.

In this context, the Federal Register is used to announce the proposed rulemaking process for the exclusive zone management plan. This process involves publishing a notice in the Federal Register to inform the public about a proposed rule, allowing them to comment on it before it is finalized.

The notice in the Federal Register also includes an environmental impact statement (EIS), which is a document that assesses the potential environmental effects of the proposed rule. The EIS provides information on the proposed action, the alternatives considered, and the environmental impacts associated with each alternative.

The notice further describes the proposed procedures for the exclusive zone management plan, including the purpose of the plan, the specific activities that it regulates, and the areas that are affected. It also includes information on how to obtain copies of the EIS and other relevant documents for public review.

Overall, the proposed rulemaking process for the exclusive zone management plan is an important step in ensuring that the proposed regulations are transparent, informed by public input, and aligned with environmental considerations.
§ 552. Public information; agency rules, opinions, orders, records, and proceedings.

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.
(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public; unless the materials are promptly published and copies offered for sale.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, and agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the

The proposed amendment states that the request shall “reasonably” describe the records desired. Provisions relating to judicial action are included in a new section.
5 U.S.C. Section 552  Proposed Amendment  Comment

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The proposed amendment states that the request shall “reasonably” describe the records desired. Provisions relating to judicial action are included in a new section.
United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complaint. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(4) (A) In order to carry out the provisions of this section, the Director of the Office of Management and Budget shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all agencies. Such fees shall be limited to reasonable standard charges for document search and duplication and provide recovery of only the direct costs of search and duplication. Documents may be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. But such fees shall ordinarily not be charged whenever—

(i) the person requesting the records is an indigent individual;

(ii) such fees would amount, in the aggregate, for a request or series of related requests, to less than $3;

(iii) the records requested are not found; or

The proposed amendment concerning fees requires O.M.B. to promulgate a uniform fee schedule. It also specifies certain situations in which fees should not be charged or should be reduced.
Section-by-Section Analysis of S. 2543, as Amended—(Continued)

5 U.S.C. Section 552

Proposed Amendment

(iv) all of the records located are determined by the agency to be exempt from disclosure under subsection (b).

(B)(i) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall consider the case de novo, with such in camera examination of the requested records as it finds appropriate to determine whether such records or any part thereof may be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(ii) In determining whether a document is in fact specifically required by an Executive order or statute to be kept secret in the interest of national defense or foreign policy, a court may review the contested document in camera if it is unable to resolve the matter on the basis of affidavits and other information submitted by the parties. In conjunction with its in camera examination, the court may consider further argument, or an ex parte showing by the Government, in explanation of the withholding. If there has been filed in the record an affidavit by the head of the agency certifying that he has personally examined the documents withheld and has determined after such examination that they should be withheld under the criteria established by statute or Executive order referred to in subsection (b) (1) of this section, the court shall sustain such withholding unless, following its in camera examination, it finds the withholding is without a reasonable basis under such criteria.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within forty days after the

The proposed amendment is similar to language currently found in 5 U.S.C. sec. 552(a) (3). It provides additionally, however, that the district court of the District of Columbia shall have jurisdiction under the Act. Also, the phrase “with such in camera examination of the requested records as it finds appropriate” is added.

The proposed amendment adds a time limit for the defendant to submit an answer or other pleading.
service upon the United States attorney of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all causes and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed. In exercising its discretion under this paragraph, the court shall consider the benefit to the public, if any, deriving from the case, the commercial benefit to the complainant and the nature of his interest in the records sought, and whether the government's withholding of the records sought had a reasonable basis in law.

(F) Whenever records are ordered by the court to be made available under this section, the court shall on motion by the complainant find whether the withholding of such records was without reasonable basis in law and which Federal officer or employee was responsible for the withholding. Before such findings are made, any officers or employees named in the complainant's motion shall be personally served a copy of such motion and shall have 90 days in which to respond thereto, and shall be afforded an opportunity to be heard by the court. If such findings are made, the court shall, upon consideration of the recommendation of which to respond thereto, and shall the agency, direct that an appropriate official of the agency which employs such responsible officer or employee suspend such officer or employee without pay for a period of not more than 60 days or take other appropriate disciplinary or corrective action against him.

The proposed amendment specifically covers "appeals."

The proposed amendment expressly permits the assessment of attorney fees and litigation costs.

The proposed amendment permits the court after an appropriate hearing, to require sanctions against persons withholding information without reasonable basis in law.
Section-by-Section Analysis of S. 2543, as Amended—(Continued)

5 U.S.C. Section 552

Proposed Amendment

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

Comment

The proposed amendment is substantially identical to language found in section (a)(3) of the current law.

(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with re-
spect to such appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (3) of this subsection.

(B) Upon the written certification by the head of an agency setting forth in detail his personal findings that a regulation of the kind specified in this paragraph is necessitated by such factors as the volume of requests, the volume of records involved, and the dispersion and transfer of such records, and with the approval in writing of the Attorney General, the time limit prescribed in clause (i) for initial determinations may by regulation be extended with respect to specified types of records of specified components of such agency so as not to exceed thirty working days. Any such certification shall be effective only for periods of fifteen months following publication thereof in the Federal Register.

The proposed amendment does not change the present section but it is renumbered as paragraph (5).
(C) In unusual circumstances as specified in this subparagraph, the time limits prescribed in clause (i) or (ii), but not those prescribed pursuant to subparagraph (B), may be extended by written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than 10 days. As used in this subparagraph, “unusual circumstances” means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to assign professional or managerial personnel with sufficient experience to assist in efforts to locate records that have been requested in categorical terms, or with sufficient competence and discretion to aid in determining by examination of large numbers of records whether they are exempt from compulsory disclosure under this section and if so, whether they should nevertheless be made available as a matter of sound policy with or without appropriate deletions;

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the agency having substantial subject-matter interests therein, in order to resolve novel and difficult questions of law or policy; and

(iv) the death, resignation, illness, or unavailability due to exceptional circumstances that the agency could not reasonably foresee and control, of key personnel whose assistance is re-
required in processing the request and who would ordinarily be readily available for such duties.

(D) Whenever practicable, requests and appeals shall be processed more rapidly than required by the time periods specified under (i) and (ii) of subparagraph (A) and paragraph (B) and (C). Upon receipt of a request for specially expedited processing accompanied by a substantial showing of a public interest in a priority determination of the request, including but not limited, to requests made for use of an individual or other person engaged in the collection and dissemination of news, an agency may by regulation or otherwise provide for special procedures or the waiver of regular procedures.

(E) An agency may by regulation transfer part of the number of days of the time limit prescribed in (A), (ii) to the time limit prescribed in (A) (i). In the event of such a transfer, the provisions of paragraph (C) shall apply to the time limits prescribed under such clauses as modified by such transfer.

Any persons making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the agency can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of every officer or employee of any agency who participated substantively in the agency’s decision to deny such request. Any
(b) This section does not apply to matters that are—

(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) specifically required by an Executive order or statute to be kept secret in the interest of national defense or foreign policy and are in fact covered by such order or statute;

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of those portions which are exempt under this subsection.

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Committee on the Judiciary of the Senate and the Committee on Government Operations of the House of Representatives, which shall include—

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a), and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(5), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each.

(4) a copy of every rule made by such agency regarding this section;

(5) the total amount of fees collected by the agency for making records available under this section;

(6) a copy of every certification promulgated by such agency under subsection (a)(6) of this section; and

(7) such other information as indicates efforts to administer fully this section.

The proposed amendment adds the language “and are in fact covered by such order or statute.”

The proposed amendment adds a new sentence after exemption (9) providing that segregable nonexempt portions of a requested file should be released after deletion of exempt portions.

The proposed amendment requires agencies to submit a report annually to Congress containing specific information about its operation under the Freedom of Information Act.
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 a breakdown of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a) (3) (F) and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term ‘agency’ means any agency defined in section 551 (1) of this title, and in addition includes the United States Postal Service, The Postal Rate Commission, and by other authority of the Government of the United States which is a corporation and which receives any appropriated funds.

Sec. 4. There is hereby authorized to be appropriated such sums as may be necessary to assist in carrying out the purposes of this Act and of section 552 of title 5, United States Code.

Sec. 5. The amendments made by this Act shall take effect on the ninetieth day beginning after the date of enactment of this Act.

The proposed amendment provides that agencies defined in 5 U.S.C. sec. 551 (1), the United States Postal Service, the Postal Rate Commission, and any other corporate governmental authority receiving appropriated funds are covered by this section.

The proposed amendment specifies that all amendments shall become effective ninety days after the date of enactment.