

Mr. HANES. Right.

Mr. BENJAMIN. I think the idea of restoring it to (a) is not because logically it is necessary, but because as a matter of controversy, somebody without any justification can always get up and say, "You have taken this out. Now, what was the 1958 amendment that has gone out." I think that was said the other day.

Mr. MOSS. That is correct.

Mr. BENJAMIN. It is so easy to overlook that you switched it somewhere else, and we think it is more sensible to avoid controversy by leaving it where it is going on from there.

Mr. HANES. If we restored that, I might jump over to the beginning of subsection (c). With that restoration it seems to us it would be better draftsmanship to change the first 21½ lines of subsection (c) which now read, "This section does not authorize withholding information from the public or limiting the availability of records to the public except"—to delete those and to insert in lieu thereof, "The provisions of subsection (b) shall not be applicable to."

Now, going back to page 2, lines 1 and 2, we would suggest the deletion of the word "published" at the end of line 1 and inserting after the word "rules" the words "which shall be currently published in the Federal Register." The publications provision in section 3 of the present Administrative Procedure Act I do not think would be broad enough to cover the publication of all the rules that this present bill covers. So therefore it seems to us that it would be well for subsection (b) to carry its own publication requirement—for this bill to carry its own publication requirement.

In line 3 on page 2 at the end of the sentence which ends with the word "person," we think it would be desirable to insert "for inspection and copying." If a person were authorized to receive the records, he should be able to inspect and copy them.

Now, line 3, page 3, the words "national defense or foreign policy." It seems to us that it would be perhaps more consistent with the purposes of the bill to substitute "national security," that national security is really the criterion for the exemption under any Executive order that would be issued by the President, and that it embraces everything that properly should be included in national defense and foreign policy.

Mr. MONAGAN. You mean you would leave out "for foreign policy."

Mr. HANES. We would leave out also "defense" and for both "national defense or foreign policy," we would substitute "national security."

Mr. MONAGAN. For both?

Mr. HANES. For both.

In line 7 on page 3 the exemption which deals with trade secrets and commercial or financial information as now written contains the phrase "obtained from the public." We are a little confused by that phrase "obtained from the public." There might be some implication in that that only trade secrets or commercial information obtained in a census or by some means which is of general application would be subject to the exemption.

I think it is the intention of the committee and the staff to exempt any trade secret or commercial or financial information which is of a privileged or confidential character which is acquired either from