

records. It was an idle act, if all records were covered by inherent executive rights, a necessary one if they were not. Apparently at the time it was the consensus that it was necessary, and agencies operated under that authority for many years. I think it's one of the best bits of law we can pick up to support a congressional right to prescribe these rules and regulations.

Mr. RUMSFELD. As a cosponsor of this bill, I certainly agree with you.

Mr. Moss. I am told that was the very first session of Congress, so at the beginning we exercised that right. We certainly have grandfather rights in this field of legislation.

I want to thank you, Mr. Black and Mr. Rogers and Mr. Patterson for your appearance here today.

Mr. BLACK. Thank you, Mr. Chairman, for inviting us.

Mr. Moss. We will now hear from Mr. Dale W. Hardin, manager of the Transportation and Communication Department of the Chamber of Commerce of the United States. He is accompanied by Mr. Verne R. Sullivan, his assistant.

STATEMENT OF DALE W. HARDIN, MANAGER, TRANSPORTATION AND COMMUNICATION DEPARTMENT, CHAMBER OF COMMERCE OF THE UNITED STATES; ACCOMPANIED BY VERNE R. SULLIVAN, ASSISTANT MANAGER, TRANSPORTATION AND COMMUNICATION DEPARTMENT

Mr. HARDIN. Since this is the first expression on the record by the Chamber of Commerce of the United States on this subject, I do have a prepared statement that I would like to read, with the chairman's permission.

Mr. Moss. You may proceed.

Mr. HARDIN. I am Dale W. Hardin, manager of the Transportation and Communication Department of the Chamber of Commerce of the United States. With me today is Verne R. Sullivan, assistant manager of the Transportation and Communication Department. We are appearing in support of H.R. 5012.

The Transportation and Communication Committee, through its Subcommittee on Communications, initiated the national chamber's position on this bill. It is a 62-man committee, composed of representatives of all modes of transportation and communication, including magazine and newspaper publishers, radio and television broadcasters, and the general business public.

The committee has studied the testimony taken last year on a similar bill in the Senate and it has discussed the proposal at some length as well as making inquiries as to its effect on some segments of the business community.

H.R. 5012, as we understand it, would:

1. Require every agency of the Federal Government to make all its records promptly available to any person;
2. Identify eight specific categories of sensitive information which are to be protected from disclosure;
3. Permit persons seeking Government information to file suit in a U.S. district court to have an agency produce records improperly withheld; and