being upon the operation and policies of the Rural Electrification Administration, NRECA is very much interested in H.R. 5012, which would amend title 5, section 22, of the United States Code to increase availability of information.

The Rural Electrification Administration is continuously engaged in obtaining many types of data from all of its borrowers, including the most intimate details of the borrower's financial position and wholesale power costs. We are very hopeful, therefore, that the current legislation will not confer a legally enforcible right on the general public to require disclosure by REA of data which would enable rival power companies the means with which to destroy our program.

H.R. 5012 would require every agency to "make all its records promptly available to any person" subject to eight enumerated exceptions. It appears that the language, if not carefully circumscribed and interpreted, would endanger the security of our member systems.

The critical language of H.R. 5012 appears in section 1(C)(4) which exempts from the disclosure mandate "trade secrets and commercial or financial information obtained from the public and privileged or confidential." This exemption, if adequately interpreted by committee report language, would achieve the objective which we seek. We, therefore, respectfully urge the inclusion in the committee report of the following language to protect REA borrowers:

Exemption No. (4) of subsection (c) is intended to apply, among other situations, to financial and commercial records of REA borrowers, including the system audits and loan surveys, of such borrowers, and all information disclosed to REA by borrowers for the purpose of obtaining REA loans.

If your committee desires to protect REA borrowers through the language of the bill itself, we suggest that section 1(C)(4) be amended to read as follows:

"Trade secrets and commercial, and technical, and financial information submitted and received as privileged or confidential."

We would welcome any opportunity to confer with you personally on any facet of this problem which affects our membership.

Very sincerely yours,

KERMIT OVERBY,
Director, Legislation and Research Department.

LETTER FROM AMERICAN TRIAL LAWYERS ASSOCIATION, AVIATION LAW SECTION, NEW YORK, N.Y., TO SENATOR EDWARD V. LONG AND CONGRESSMEN JOHN E. MOSS AND OGDEN R. REID, APRIL 5, 1965

APRIL 5, 1965.

Re Federal public records law bill, S. 1160, H.R. 5012.

Hon. EDWARD V. LONG,
U.S. Senate, Washington, D.C.

Hon. JOHN MOSS,
House of Representatives, Washington, D.C.

Hon. OGDEN R. REID,
House of Representatives, Washington, D.C.

DEAR SENATOR LONG AND CONGRESSMEN MOSS AND REID: In behalf of the American Trial Lawyers Association, I certainly appreciate your cooperation in forwarding copies of the bills, a press release, and the hearings conducted last year.

I understand that hearings will be conducted next week with regard to this legislation, but trial commitments preclude my personal attendance despite an earnest desire to express the views of the association.

Perhaps you are aware that our association represents approximately 18,000 trial lawyers who specialize in civil tort litigation. Our publication, Trial, has a circulation of 50,000 trial lawyers.

We strongly support passage of this legislation, with two reservations. The principle of full disclosure by governmental agencies cannot be seriously disputed. A problem, however, arises in formulating and articulating the exceptions to the general principle.

The proposed legislation would establish a general rule requiring every agency to disclose "all its records." Eight exceptions to the general rule are specified. Our association favors and strongly supports exceptions (1), (3), (4), and (6) through (8).

We have, however, serious reservations concerning the scope of two exceptions, (2) and (5). Exception (2) would preclude the disclosure of matters "related solely to the internal personnel rules and practices of any agency." Exception (5)