

Although the proposed section (c) of the bill deals with "information" and "records," category (5) of the bill speaks only of interagency or intra-agency "memoranda or letters." It would appear appropriate to add the words "or other matters," in order to make this category coextensive with the section subject matter.

In category (2) of the bill the reference to internal personnel "rules and practices" would appear to be narrower than the subject matter of the section which, as above indicated, deals with "information" and "records." Thus, it would appear desirable to add the word "matters," a term employed in a similar context in the introductory portion of section 3 of the Administrative Procedure Act.

Subsection (b) of the proposed 5 U.S.C. 22 provides for agency publication of rules stating the "time," place, and procedure to be followed in making its records available. If, as we would definitely recommend, it is the purpose of the reference to "time" to permit agencies to distinguish between availability of records before and after an event, then we recommend this be clarified. For example, if it is intended to permit an agency to withhold bid or negotiation information at least until after award, this is not entirely clear although we would be inclined so to construe it since such construction would contribute to the workability of the criteria.

It is worth noting that the subject matter of the bill is one which has heretofore been an integral part of the general structure of the Administrative Procedure Act, dealing with the broad subject of administrative procedure, authority, and limitations. It would appear desirable that the subject matter of this bill remain under section 3 of the Administrative Procedure Act since that section deals with the entire subject of "public information," and there is recognized interdependence and overlapping between subsection 3(c), proposed to be transferred to 5 U.S.C. 22, and subsections 3 (a) and (b), which would remain in the Administrative Procedure Act.

Based upon the foregoing considerations, the General Services Administration is opposed to enactment of H.R. 5012 in its present form. We recognize that perhaps some clarifying improvements in section 3 of the Administrative Procedure Act may be desirable although we believe it has been generally reasonably construed. If legislation similar to the proposed bill is to be enacted, we recommend consideration of the adoption of amendments which will adequately reflect the suggestions above outlined.

The financial effect of the enactment of this measure cannot be estimated by GSA. However, substantial cost attributable to administration of such a measure is inevitable.

The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to your committee.

Sincerely yours,

LAWSON B. KNOTT, Jr., *Acting Administrator.*

REPLY FROM HOUSING AND HOME FINANCE AGENCY

HOUSING AND HOME FINANCE AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., March 23, 1965.

Subject: H.R. 5012, H.R. 5013, H.R. 5014, H.R. 5015, H.R. 5016, H.R. 5017,
H.R. 5018, H.R. 5019, H.R. 5020, H.R. 5021, H.R. 5237, H.R. 5406,
H.R. 5520, H.R. 5583, 89th Congress.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in further reply to your request for our views on the above-captioned identical bills "To amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold and limit availability of records."

These bills would amend existing law relating to the withholding of information from the public or limiting the availability of records to the public by Federal agencies. They would require each agency, in accordance with published rules concerning the time, place, and procedure to be followed, to "make