

Congress would reveal any improprieties, but we do believe that if were required to disclose such correspondence to any person who might ask for it, that its publication out of context might seriously embarrass the Congress and its Members.

In addition, the bill is deficient in that it fails to exempt from compulsory disclosure the Commission's records and correspondence with carriers subject to its jurisdiction. For example, we do not believe that we should honor a request of a student who seeks to examine all of the correspondence between the Commission and a large railroad over a 5-year period. Even if there were only a relatively few such requests, the burden of the Commission would be intolerable and far out of the proportion to any benefit to the person receiving such information.

As we read the judicial enforcement provisions of proposed new section 161 (b), unless the record denied were within one of the enumerated exceptions, the district court would have no discretion in ordering disclosure, regardless of how slight the complainant's justification may be when considered against the inconvenience and expense to the agency. As a minimum, the court should be empowered in its discretion to require a complainant to justify his demands.

For the reasons set forth above, we are opposed to the enactment of H.R. 5012 in its present form.

Respectfully submitted.

CHARLES A. WEBB,
Chairman, Committee on Legislation.
CHARLES A. WEBB,
JOHN W. BUSH,
EVERETT HUTCHINSON.

REPLY FROM NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., May 6, 1965.

HON. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your letter of March 25, 1965, requesting comments by the National Aeronautics and Space Administration on H.R. 5012, a bill to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records.

Subsection (a) of section 166 of the Revised Statutes (codified at 5 U.S.C. 22), as it would be amended by the bill, gives the head of each Department authority to prescribe regulations for the conduct of the Department's business: it is appropriate "housekeeping" legislation and follows the language of the first sentence of the existing statute.

The important new provisions of the bill are those which set out the conditions under which agencies of the Government may be compelled to produce records otherwise withheld. Federal district courts would have the power to compel agencies to produce records under the sanction of contempt charges. Action could be initiated by a complaint after which the agency would bear the burden of sustaining its action. The court could, in its discretion, give precedence on its docket to complaints filed under the authority of the proposed bill. The provisions appear to be unnecessary, particularly in their application to the National Aeronautics and Space Administration. In a letter addressed to the subcommittee under date of March 17, 1965, this agency stated:

"NASA's official policy is that no limitations are placed upon the availability of records to the public except those which are imposed pursuant to Executive Order No. 10501, as amended, pertaining to the disclosure of information classified in the interest of national security. In addition, however, limitations are placed upon the disclosure of information submitted by individuals and firms which is proprietary, or consists of trade secrets, or confidential financial information. In this latter connection, 18 U.S.C. 1905 imposes criminal penalties upon employees of the Government who disclose such information without authority of law. The availability of security and personnel records and reports is likewise limited in many instances in order to protect the sources of the Government's