

memorandums or letters. Any reference or statement in a memorandum or letter concerning any matter other than law or policy would apparently remove it from protection.

The Bureau of the Budget has advised that it has no objection to the submission of this report to your committee.

Sincerely yours,

LEWIS B. HERSHEY, *Director.*

VETERANS' ADMINISTRATION

VETERANS' ADMINISTRATION,
Washington, D.C., March 15, 1965.

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

DEAR MR. CHAIRMAN: This is in response to your request for a report by the Veterans' Administration on 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, and H.R. 5021, identical 89th Congress bills, each entitled "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."

These bills would amend section 161 of the Revised Statutes of the United States (5 U.S.C. 22) by adding thereto new subsections (b) and (c).

Subsection (b) would provide that every agency "shall, in accordance with published rules stating the time, place, and procedure to be followed, make all its records promptly available to any person." In addition, it would provide for judicial enforcement, vesting jurisdiction in the district courts of the United States to enjoin an agency from withholding records or information, other than records or information specifically excluded from the scope of the bill, determining the matter de novo, with the burden upon the agency to sustain its action. It further specifically authorizes punishment of responsible officers for contempt where there is noncompliance with the court's order and gives proceedings under this section precedence on the docket over all other causes, except such other causes as the court deems of greater importance.

Subsection (c) would authorize withholding information from the public or limiting the availability of records to the public in eight instances; specifically matters (1) that are required by Executive order to be kept secret in the interest of the national defense or foreign policy; (2) related solely to the internal personnel rules and practices of the agency; (3) exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from the public and privileged or confidential; (5) interagency or intraagency memorandums or letters dealing solely with matters of law or policy; (6) personnel and medical files and similar matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory files compiled for law enforcement purposes, except to the extent available by law to a private party; and (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

Under the provisions of these bills, veterans' claims matters would continue to be exempt from disclosure because of section 3301 of title 38, United States Code, which provides in part: "All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Veterans' Administration shall be confidential and privileged, and no disclosures thereof shall be made except as follows."

Following the quoted language, certain specific exemptions are made under which material otherwise confidential may be released. In general, these pertain to disclosures to the claimant or his duly authorized agent or representative as to matters concerning himself alone, or when information is required by process of a U.S. court or by any department or other agency of the U.S. Government. One exemption is the requirement that the amount of pension, compensation, or dependency and indemnity compensation of any beneficiary shall be made known to any person who applies for such information. Likewise, these bills would exempt from disclosure internal rules and practices dealing with personnel and internal communications dealing solely with matters of law or policy.