

While the exceptions provided in these bills remove many of the areas of major concern, it is believed that, if enacted into law in their present form, there would be a resultant adverse impact on this agency. Purely as a matter of good business management and efficiency, it would be undesirable to create a situation under which agency officials would be reluctant to reduce anything to writing unless it was so innocuous that it could be made available to any person including the press, private counsel, speculators, Government contractors, or even the idly curious, at any time, present or future. It would seriously impede the effectiveness of administrative investigations, the successful conduct of which is no less dependent on their confidential nature, than an investigation conducted for law enforcement purposes. It is difficult to conceive a successful procurement program were contractors to be afforded access to the agency's records, such as estimates of costs, prior to bidding.

Administratively it is believed that, if enacted into law, these bills would give rise to many complex and costly problems. They are so broad in scope that they could, and probably would, create excessive demands on an agency for information, requiring costly duplication and transfer of records in order to make them available. Further, the easy access to the courts provided in the bill could give rise to extensive litigation, which in many instances, would be unwarranted by the circumstances. The impact of this problem is greatly magnified by the failure of the bill to limit in any way the persons to whom the records must be made available, subjecting the agency to requests which could be frivolous, without purpose, and in some cases, made for the purpose of harassment only.

The Veterans' Administration is not opposed to the principle of furnishing to the public as complete information concerning our operations as is feasible. To the contrary, we take great pains to see that information of interest to the public is made available. The policy of the Veterans' Administration is set out in Veterans' Administration manual MP-1, chapter 4, section 405.01 providing: "Both the veteran and the public are entitled to full information about VA. The Administrator's policy is that VA will release all available information about its activities, freely and frankly, to all information media. This policy must be carried out."

If a bill, such as those under consideration, is to be enacted into law, it is urged that consideration be given to the following changes:

The phrase "any person" appearing in line 3, page 2, of the proposed subsection (b) of section 161 of the Revised Statutes be defined to include only those having a demonstrated legitimate interest in the records requested and the phrase "and the burden shall be upon the agency to sustain its action." appearing in lines 12 and 13, page 2 thereof, be deleted.

The exception appearing in proposed subsection (c) (2), lines 3 and 4, page 3, be amended to read, "related solely to the internal personnel rules, and management practices of any agency," and proposed subsection (c) (7), lines 12, 13, and 14, page 3, be amended to read, "investigatory files compiled for law enforcement or administrative purposes except to the extent available by law to a private party,".

It must be our view that any public information requirement must preserve to the agency's discretion the right to determine the extent to which it is feasible or in the public interest to make its records available for random public inspection. Consequently, we cannot recommend favorable consideration of these bills by your committee.

We are advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the presentation of this report to your Committee.

Sincerely,

W. J. DRIVER, *Administrator*.