

November 7, 1969

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Not long ago, we were told that business as a whole planned a \$2 billion increase in spending for plant and equipment in the fourth quarter of this year. More recent figures show that no such increase is contemplated. This may reflect in part the capacity limitations of producer goods industries, but the pattern is very similar to that of past periods when capital spending began to flatten.

Wholesale and consumer prices have not turned down, but their rate of increase has slowed perceptibly, and retail sales have been essentially flat for the past six months.

No one of those indicators offers proof that we are out of the burning woods. But they do tell us that the firemen have arrived and things are beginning to happen.

In view of these signs of easing in the economy, it may be asked whether or not the time has come to let up on the brakes. The question is especially relevant because the repeal of the investment credit and extension of the tax surcharge at 5 percent through mid-1970 are now before the Senate.

Let me emphasize as strongly as I can that this Administration continues to believe that these tax measures are essential to our overall strategy of inflation control. Without their enactment, the budget in the current fiscal year would be perilously close to deficit rather than in a position of healthy, non-inflationary surplus.

Certainly we will be alert to the moment when policy should change course. The careful transition to a more stable, less inflationary economy is an exacting exercise in economic policy-making. During this transition, the most important and difficult decisions are those which involve the proper timing of policy changes.

Not until we have reasonable evidence that inflation and inflationary expectations are definitely receding can we consider any relaxation of present policy. Inflation is too deeply embedded for us to ease up until such evidence is unmistakably clear. Our past experience indicates the danger of changing the direction of policy too soon. In fact, a premature reversal contributes to the build up of basic inflationary conditions, requiring an even more painful adjustment in the end.

I should point out to you, however, that when the time arrives for such a change in policy we will be equipped with a variety of automatic and discretionary tools for implementing that change. Not only do we have the traditional monetary and expenditure actions which can be undertaken, but also there are a number of built-in features which will operate to sustain the economy in the coming year and to support those segments of society who are least able to protect themselves from any economic reversal:

If approved by the Congress, the income tax surcharge will drop to 5 percent on January 1, 1970, and disappear completely on June 30, 1970.

Enactment of the Family Assistance Program for reforming our welfare system will assure income support for a large number of low-income and dependent families.

Enactment of our tax reform proposals—especially the low-income allowance—will remove millions of low-income individuals from the tax rolls.

Enactment of the President's proposed reforms in the Social Security System will provide both increased payments and protection from inflation to those living on fixed incomes.

Enactment of our proposals to modernize the Federal-State unemployment insurance system will provide us with a more responsive mechanism for stabilizing the economy automatically.

I have dwelt at some length at government's role in this national effort to control inflation. But all of us are aware that government is only the economic weather-maker; Washington's function is to try to

create the climate in which this complex market economy can function successfully.

Government alone cannot put out the inflationary fire. Business and labor alike must make their contributions to economic stability. And it is most certainly in their self-interest to do so.

Leadership in business and in labor carries with it a high public responsibility. In these difficult times, it calls for economic statesmanship of the highest order. It calls for restraint in private decision-making, for resistance to the all-too-tempting lure of charging what the traffic will bear.

This kind of statesmanship is neither easy nor painless, as those of us in government who are charged with carrying out an anti-inflation policy know all too well. But its successful achievement is vital to the best interests of every working man and woman in America, and of every businessman as well.

Inflation control also ranks as one of our top international priorities. The world financial outlook is much brighter today than it has been for many years. With the decision taken at last week's meeting of the Board of Governors of the International Monetary Fund to create substantial amounts of Special Drawing Rights, we can look forward to an orderly increase in international liquidity.

In addition, a number of important recent developments have strengthened the world financial system. The United Kingdom has moved into a noticeably stronger position. The French parity was adjusted without serious disturbance. The German government has taken significant action to deal with speculative threats. The International Monetary Fund staff will begin studying various proposals for limited exchange rate flexibility. And perhaps the most important stabilizing factor—in the view of many Finance Ministers with whom I visited last week—has been the strong efforts taken by the United States to control inflation. The dollar is a key international currency. The United States has a major responsibility to preserve confidence in the value of its currency in order to maintain an open world economy in which mutually beneficial trade, travel, and investment can flourish.

Until this inflationary spiral was set in motion four years and more ago, our progress in terms of economic growth and individual betterment was manifest. Reasonable price stability made it possible for working people to transform wage increases directly into higher standards of living. The same stability made possible a real growth rate of 5 percent annually for the national economy as a whole.

It is our firm purpose to restore that stability, to permit the resumption of productive economic growth, to give the working people of this country an ever-rising standard of living instead of the paper pay raises of inflation which is all they have received for the past three years.

These are troubled times, and ours is a deeply troubled society. But we are not a fearful society. We know the job that has to be done, and we have set about doing it, as we have before in other troubled times.

As one who is proud to be a member of the Nixon Administration, I can assure you that your government is going to continue to follow an enlightened economic policy which will meet the basic economic objectives of our Nation—rising employment, productivity, and purchasing power in a noninflationary environment.

#### SERVICE OF VICE PRESIDENT AGNEW AS PRESIDING OFFICER OF THE SENATE

Mr. SCOTT. Mr. President, in 1965, Vice President Hubert H. Humphrey fulfilled

his constitutional duties in the Senate by presiding for 56 hours and 24 minutes. In 1966, Vice President Humphrey presided over Senate deliberations for 25 hours and 6 minutes, and in 1967 for 25 hours and 11 minutes.

Vice President AGNEW, as of October 23, 1969, has presided over the Senate for 58 hours and 38 minutes, a fact carefully noted by our distinguished junior Senator from California.

Perhaps it would be well to note that the time thus far spent in the chair by Vice President AGNEW is more since January 21, 1969, than Vice President Humphrey accumulated from January 1966 to December 1967.

This information seems to be particularly applicable to the Senator's October 22 suggestion to the Vice President, and I trust he will find it useful.

#### MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

#### COMMENDATION FOR SENATORS ON PASSAGE OF FAIR CREDIT REPORTING ACT

Mr. MANSFIELD. Mr. President, yesterday, the Senate passed S. 823, the consumer protection—or, as popularly called, the fair credit reporting bill. The Senate may be proud of this achievement, and I think the RECORD should show clearly that it was the devotion and untiring efforts of the distinguished Senator from Wisconsin (Mr. PROXMIRE) that made possible such an outstanding success. Senator PROXMIRE can add this as another fine contribution in his abundant record in behalf of the American consumer. In steering this important measure through the Senate, the able and outstanding legislative skill that is so apparent on every proposal handled by Senator PROXMIRE was once again evidenced. The American public is deeply grateful. Senator PROXMIRE is to be commended.

Joining Senator PROXMIRE to assure such an outstanding success was the distinguished senior Senator from Utah (Mr. BENNETT). His cooperation, devotion, and able assistance was deeply appreciated as well.

#### ORDER FOR ADJOURNMENT TO 11 O'CLOCK A.M. ON NOVEMBER 11

Mr. MANSFIELD. Mr. President, at 11 a.m. on November 11, 1918, the First World War came to an end as a result of an armistice signed at that particular moment.

It is, therefore, particularly fitting that the Senate should convene at 11 o'clock on next Tuesday, November 11, so that the prayer by our Chaplain may have

particular significance for those who served in World War II as well as to honor those who have died, those who have been wounded, and those who have served in all our wars.

Therefore, in view of the fact the Senate will meet on Veterans Day, formerly known as Armistice Day, on behalf of the distinguished minority leader (Mr. Scott) and myself I ask unanimous consent that when the Senate completes its business on Monday next it stand in adjournment until 11 a.m. Tuesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT TO MONDAY, NOVEMBER 10, 1969

Mr. PELL. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 18 minutes p.m.) the Senate adjourned until Monday, November 10, 1969, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate November 7, 1969:

##### IN THE NAVY

The following named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

##### MEDICAL CORPS

Balyeat, George E.  
Baxter, Donald L.  
Blair, Donald F.  
Brown, James M.  
Davis, Milton D.  
Dean, Harold N.  
Dutton, Bythel D.  
Fosburg, Richard G.  
Gates, Clifford W.  
Golden, Patrick E.  
Gunning, Jean Jacques  
Jackson, Frederick E.  
Johnson, John W.  
Knox, Paul R.  
Leblanc, Gilbert A.  
Lewis, Norman G.  
Linaweaver, Paul G.  
Lukas, John R.  
McClard, Gerald J.  
Miller, George L.

##### SUPPLY CORPS

Anweiler, Calvin R.  
Bliss, Roger C.  
Cefalu, Dominic V.  
Cloutier, Norman L.  
Coons, William W.  
Daniel, James C.  
Dauchness, Edward G.  
Ely, William B., Jr.  
Emery, William M.  
Hassenger, William E.  
Herndon, Paul C.  
Higgins, Everett C.  
Killebrew, Thomas E.  
Lynn, James W.

##### CHAPLAIN CORPS

Dimino, Joseph T.  
Doermann, Martin J.  
Ferreri, Peter J.  
Gibbons, Martin F.  
Hill, Rodger F.  
Howard, William R.  
Hunter, William M.

Miller, Richard J.  
Mullen, Joseph T.  
Rischnotte, William O.  
Sowell, Alton L., III  
Tobins, John C.  
Tomis, Norman  
Wosborough, James F., Jr.  
Whefstad, Wilbur J.  
Wchmizt, Nicholas W.  
Wchrader, William A.  
J.  
Wemmons, Barton K.  
Womas, Wendell C.  
Walaake, Martin J.  
Wasquez, Mario A.  
Wiele, Billy D.  
Wincnet, John T.  
Worck, Eilihu  
Woung, James M.

Malone, Francis E.  
McCintock, Harry C.  
Mehaffey, Donald C.  
Nicol, Robert G.  
Owens, Andrew J.  
Pazza, Thomas J.  
Puleo, Joseph A.  
Roberts, Calvin W.  
Sappanos, Louis M.  
Sharp, Herbert C.  
Smith, Charles M.  
Stubbs, Raymond C.  
Tapp, James G.

Osman, Robert E.  
Ryan, Joseph E.

##### CIVIL ENGINEER CORPS

Bartley, Delmar A.  
Clements, Neal W.  
Dunn, Robert H. P.  
Forehand, Paul W.  
Loomis, Raymond W.  
Phelps, Pharo A.

##### JUDGE ADVOCATE

Andry, Walter G.  
Conkey, Carlton G.  
Driscoll, William T., Jr.

##### DENTAL CORPS

Abbott, Paul L.  
Baifrd, Daniel M.  
Bohacek, Joseph R.  
Cowen, Charles E., Jr.  
Demaree, Neil C.  
Elliott, James R.  
Fields, Robert E.  
Freeburn, Harold E., Jr.  
Garman, Thomas A.  
George, Raymond E.  
Granger, Ronald G.  
Heinkel, Erwin J., Jr.  
Hofhus, Edwin L.  
Hylton, Roscoe P., Jr.  
McKean, Thomas W.

##### MEDICAL SERVICE CORPS

Beam, Walter E., Jr.  
Broulik, Frank  
Green, Irving J.  
McMichael, Allen E.

##### NURSE CORPS

Brennan, Mary P.  
Brooks, Helen L.  
Cornelius, Dolores

The following named officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

##### MEDICAL CORPS

Amalong, Ronald J.  
Ambur, Richard F.  
Anderson, Robert L.  
Basillere, James L.  
Bishop, Hal D.  
Boiter, Delano W.  
Boyd, Dale W.  
Bradley, Mark E.  
Byrd, Thomas R.  
Cantow, Edward F.  
Cordray, Douglas R.  
Cotten, Charles L.  
Crawford, William R.  
Crow, Judson L.  
Davies, Raymond O., Jr.  
Decker, John S.  
Deignan, William E.  
Duff, Donald F.  
Duhamel, Robert R.  
Fogg, Charles D.  
Fornes, Michael F.  
Frensilil, Frederick J.  
Fulwyler, Robert L.  
Gibbons, James A.  
Gilbert, Edward C.  
Gregonis, Joseph G.  
Grossman, Marvin  
Hall, James N.  
Harrington, Randall L.  
Hoback, Daniel P.  
Hoertz, John H., Jr.  
Hudson, Royal C., Jr.  
Hussey, Michael B.  
Izino, Gene T.  
Jeffrey, Clyde G., Jr.  
Jewusiak, Edward M.  
Johnson, Walter T.  
Johnson, William W.  
Johnson, William C., Jr.  
Jones, Edward M.  
Jones, George R.

Stewart, Dell F., Jr.  
Trett, Robert L.

Wagner, Walter R.  
Whipple, Caryl R.  
White, Lawrence M.  
Wittschiebe, Donald W.

##### GENERAL'S CORPS

Phillips, Lawrence E.  
Robertson, John W.  
Sabalos, Nicholas  
Selby, Donald E.

##### McWhorter, Howard B.

Moore, Frank B.  
Nolf, Robert S.  
Perand, Steven W.  
Sazima, Henry J.  
Shreve, William B., Jr.  
Smith, Albert R.  
Smith, Scott M.  
Thomason, Robert R.  
Thompson, Robert G.  
Tow, Herman D., Jr.  
Westcott, Maurice E.  
Woody, Wilton G.

Wallin, John D.  
Williams, John E.  
Wilson, Cecil B.

##### SUPPLY CORPS

Ault, William U.  
Barnett, Andrew F., Jr.  
Beck, Kermit E.  
Bedenbaugh, Jack R.  
Bolke, Robert J.  
Bosco, Clement, Jr.  
Brookes, Jack E.  
Brown, Troy L.  
Buckley, John E.  
Bulluck, Edgar G.  
Burns, Richard C.  
Butts, Whitmore S., Jr.  
Connolly, George S., Jr.  
Cornett, Fred O.  
Crutchfield, Franklin D.  
Daddona, John M.  
Dickey, James A.  
Dolenga, Harold E.  
Eaton, Thomas E., Jr.  
Erickson, Douglas L.  
Estes, Arthur, Jr.  
Evans, Lloyd R.  
Fidd, Joseph A.  
Fitzpatrick, Edmond J., Jr.  
Flach, Lynn R.  
Frampton, Robert T.  
Fries, Paul A., Jr.  
Gaddis, Carl K.  
Gerstenberger, Wayne W.  
Gorenflo, Louis W.  
Goulette, James D.  
Harmon, Robert G.  
Hart, James J., Jr.  
Hatcher, Harold S.  
Hinds, Duane E.  
Hughes, Horald M.  
Hummel, Don F.  
Hurst, Harvey R.  
Jantz, Jack L.  
Jones, Channing E.  
Jones, Rial C.  
Kalafut, George W.  
Kitko, John A.  
Kruse, William E.  
Kunkle, John H.  
Langer, Gerald D.  
Larsen, Henry O.  
Leavitt, Jack B.  
Leblanc, Joseph F., Jr.  
Lemay, Jerome S.  
Locke, Olive C.

##### CHAPLAIN CORPS

Bedingfield, Robert W.  
Davis, Lex L.  
Caughan, Geoffrey E.  
Jerauld, Philip  
Kase, Mark  
Kelly, Henry T.  
MacCall, Harry F., III  
Maritato, Victor J.

##### CIVIL ENGINEER CORPS

Ahrens, William N.  
Baggs, Charles C.  
Bradtmiller, Paul H.  
Brockwell, Sterling M., Jr.  
Burton, Joseph T., Jr.  
Cerrata, Ralph M., Jr.  
Collins, Allan W.  
Crosson, William E.  
Deady, Ralph E.  
Dickpeddie, John I.  
Dobler, Leland R.  
Ford, James E.  
Glover, William F.  
Godsey, Jack L.  
Goodman, Robert F.

Winans, Robert G.  
Zelles, Gary W.

Loveday, William G., Jr.  
Maxwell, Thomas A.  
McCullers, Lawrence E.  
McFarland, Wayne B.  
McGarvey, John J.  
McKinnon, Daniel W., Jr.  
McMullen, Franklin D., Jr.  
Meiners, Arthur C., Jr.  
Meyers, Walter, T.  
Mitts, Joseph P.  
Morgan, Richard E.  
Murphy, Joseph J.  
Ollivier, Denny R.  
Olson, Gene P.  
Pace, Earl H.  
Parr, Harold S.  
Peters, William A.  
Pistolessi, Vincent J.  
Plante, Rene E.  
Prokop, Jan S.  
Raffels, John F.  
Randler, Richard A. J.  
Raymond, James A.  
Reed, Dale R.  
Rice, Henry L., Jr.  
Rounds, Richard N.  
Rubenstein, Ralph S.  
Ruehlis, John R.  
Schaaf, Alvin D., Jr.  
Shaughnessy, John M.  
Smith, Franklin D.  
Smith, John A., Jr.  
Sorenson, Jackle R.  
Stanton, James M.  
Starrett, William I., Jr.  
Stone, Donald R.  
Tannone, Rocco J.  
Tobin, Isidore L., III  
Todd, Blaxton V.  
Trawick, George L.  
Vanhouten, Richard E.  
Vannaman, Thomas L.  
Vinson, Johnnie H.  
Walsh, Richard S.  
Walters, Robert A.  
Webb, James R.  
Webster, John C.  
Westmoreland, Perry L.  
White, James A.  
Whitman, Earl E.  
Williams, Robert L.  
Willis, John J.  
Young, Benjamin L.  
Young, Ronald A.  
Yongblood, Norbert V.

SECTION 1. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

"TITLE VI—CONSUMER CREDIT REPORTING

- "Sec.  
 "601. Short title.  
 "602. Findings and purpose.  
 "603. Definitions and rules of construction.  
 "604. Permissible purposes of reports.  
 "605. Obsolete information.  
 "606. Disclosure of investigative consumer reports.  
 "607. Compliance procedures.  
 "608. Disclosures to governmental agencies.  
 "609. Disclosures to consumers.  
 "610. Conditions of disclosure to consumers.  
 "611. Procedure in case of disputed accuracy.  
 "612. Charges for certain disclosures.  
 "613. Public record information for employment purposes.  
 "614. Restrictions on investigative consumer reports.  
 "615. Requirements on users of consumer reports.  
 "616. Civil liability for willful noncompliance.  
 "617. Civil liability for grossly negligent noncompliance.  
 "618. Jurisdiction of courts; limitation.  
 "619. Obtaining information under false pretenses.  
 "620. Administrative enforcement.  
 "621. Relation to State laws.

"§ 601. Short title

"This title may be cited as the Fair Credit Reporting Act.

"§ 602. Findings and purpose

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

"§ 603. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, char-

acter, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling and evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"604. Permissible purposes of reports

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in

connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

"§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(5) Records of arrest, indictment or conviction of crime, which, from date of disposition, release or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a principal amount of \$25,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal, \$20,000 or more.

"§ 606. Disclosure of investigative consumer reports

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing, or otherwise delivered to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a) (1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

(Sec. 608?)

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

"§ 607. Compliance procedures. Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person unless it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

"§ 608. Disclosures to governmental agencies. Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment to a governmental agency.

"§ 609. Disclosure to consumers. Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

"(1) The nature and substance of all information in its files of the consumer at the time of the request.

"(2) The sources of the information except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed.

"(3) The receipts of any consumer report on the consumer when it has furnished—

"(A) for employment purposes within the two-year period preceding the request, and

"(B) for any other purpose within the six-month period preceding the request.

"§ 610. Conditions of disclosure to consumers. (a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

"(b) The disclosures required under section 609 shall be made to the consumer—

"(1) in person if he appears in person and furnishes proper identification; or

"(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

"(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

"(d) The consumer shall be permitted to be accompanied by another person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

"(e) Except as provided in section 616 and 617, no consumer shall have any claim against or bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a

consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

"§ 611. Procedure in case of disputed accuracy.

"(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

"(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

"(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

"(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

"§ 612. Charges for certain disclosures.

"A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt of such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under sections 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to persons designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated

recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

"§ 613. Public record information for employment purposes.

"A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

"(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this subparagraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

"§ 614. Restrictions on investigative consumer reports.

"Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished. Whenever a consumer reporting agency prepares an investigative consumer report, it shall follow reasonable procedures to assure maximum possible accuracy of the report.

"§ 615. Requirements on users of consumer reports.

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall, within a reasonable period of time, upon the consumer's written request for the reason for such adverse action received within sixty days after learning of such adverse action, so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report. The user of the consumer report shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristic or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer.

The user of such information shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

**§ 616. Civil liability for willful noncompliance**

"Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall not be less than \$100 nor greater than \$1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

**§ 617. Civil liability for grossly negligent noncompliance**

"Any consumer reporting agency or user of information which is grossly negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

**§ 618. Jurisdiction of courts; limitation**

"Any action under section 616 or 617 may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation.

**§ 619. Obtaining information under false pretenses**

"Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

**620. Administrative enforcement**

"(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"(b) Compliance with the requirements imposed under this title with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of:

"(A) national banks, by the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

"(2) section 5(d) of the Home Owners Loan Act, of 1933, section 407 of the National Housing Act, and sections 6(1) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;

"(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions with respect to any Federal credit union;

"(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;

"(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act; and

"(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

"(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law.

**§ 621. Relation to State laws**

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency."

**EFFECTIVE DATE**

SEC. 2. Section 504 of the Consumer Credit Protection Act is amended by adding at the end thereof the following new subsection:

"(d) Title VI takes effect upon the expiration of one hundred and eighty days following the date of its enactment. The requirements of section 609 respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of title VI except to the extent that the information is contained in the files of the consumer reporting agency on that date."

to information received or consumer reports furnished prior to the effective date of title VI except to the extent that the information is contained in the files of the consumer reporting agency on that date."

**CONTROL OF OUTDOOR ADVERTISING ALONG FEDERAL-AID HIGHWAYS**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 513, Senate bill 1442.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1442) to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 1, line 8, after the word "out", strike out "one or more"; at the top of page 2, insert "Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section."; in line 9, after the word "are", insert "hereby"; in the same line, after the word "appropriated", strike out the comma and "out of any money in the Treasury not otherwise appropriated."; in line 11, after the word "exceed", strike out "\$5,000,000" and insert "\$15,000,000"; in line 13, after the word "shall", strike out "remain available until expended." and insert "be available in accordance with the provisions of subsection (m) of this section."; and after line 16, insert a new section, as follows:

(3) The Secretary is directed to report to the Congress on the results of any pilot programs funded under this section together with such recommendations as he deems necessary to improve the administration of the policy set forth in this section.

So as to make the bill read:

S. 1442

A bill to amend section 131 of title of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 131 of title 23 of the United States Code is amended by inserting at the end thereof a new subsection as follows:

"(o)(1) The Secretary is authorized to enter into agreements with one or more States for the purpose of carrying out pilot programs to determine the best means of accomplishing the purpose of this section. Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section. Any such agreement shall provide for the payment of the Federal share, prescribed in subsection (g), of

the cost of the program and shall be in accordance with the other provisions of this section to the extent applicable for the purpose of this subsection.

"(2) There are hereby authorized to be appropriated not to exceed \$15,000,000 to carry out the provision of this subsection. Amounts appropriated for the purpose of this subsection shall be available in accordance with the provision of subsection (m) of this section.

"(3) The Secretary is directed to report to the Congress on the results of any pilot programs funded under this section together with such recommendations as he deems necessary to improve the administration of the policy set forth in this section."

Mr. MOSS. Mr. President, I am pleased to speak in behalf of S.1442, a bill to create a pilot outdoor advertising sign removal program, which I introduced March 7, 1969.

This bill would permit one or more pilot programs for the removal of non-conforming billboards under the highway beautification program. It is the result of more than 2 years of discussions and meetings with Salt Lake advertising executive Douglas T. Sharr and numerous of our key highway officials.

Basically, the program calls for acquiring by contract all the nonconforming signs of a company at one time, and authorizing the owning company to dismantle and remove the signs on an agreed time schedule.

The alternative is to remove nonconforming signs on a highway beautification project which involves the condemnation of signs on a sign-by-sign basis. Research by the Utah State Department of Highways proves such a procedure, the second procedure, would be extremely expensive, costing up to two to three times as much money.

Under the provisions of my bill the very people who built the signs and know where they are would be the ones to go out and take them down. There would be no problem of unfamiliarity and it would permit an orderly procedure with the sign companies cooperating rather than walking away and simply abandoning their signs and letting them to be removed by some other contractor or State employees.

The Federal Highway Beautification Act of 1965 has been ineffective, and there is danger that it will create a great amount of damage within a number of States.

We need to move ahead and answer some basic questions.

How are signs to be taken down, under what procedure? How are they to be paid for, on a per sign basis which would cost two to three times the amount of the purchase under a per company approach? Can the financing be long termed? Can the Federal Government fulfill its contractual responsibilities by allowing the States to float bonds which the Federal Government will help to liquidate? Where are the signs to be taken? What salvage can be made of them?

We need money authorized and appropriated and given to one or two pilot States to work out these details in a practical demonstration which would at the same time show the good faith of the Federal Government. The need is now

while other programs are on the books and States are prepared to go forward. The need is now while the small sign companies can still salvage some of their business and before the giant companies gain an absolute monopoly.

I appreciate the support this bill received from the Public Works Committee. In fact, it was the committee which raised the authorization figure from the \$5 million I had requested to the present \$15 million.

This bill is important for the beautification of our country, and I urge its approval by the Senate.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. GURNEY. Mr. President, the distinguished majority leader announced yesterday that the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court may be brought to the floor next Wednesday. This is welcome news. The nomination is of the greatest importance and it is the hope of this Senator that we will be able to act upon it next week.

I understand that the committee reports are having the final touches put on them and should be available soon for the study and consideration of all Senators. An enormous amount of work has already been made available to us by our colleagues on the Judiciary Committee and the issues have been pretty well drawn. The distinguished junior Senator from Indiana (Mr. BAYH) has provided a bill of particulars for our consideration. The ranking Republican on the Judiciary Committee (Mr. HRUSKA) and the distinguished junior Senator from Kentucky (Mr. COOK), who also serves on the committee, have made several excellent speeches on the floor and have distributed to each Senator three memorandums dealing with the issues of ethics, civil rights, and labor. These distinguished gentlemen and all members of the Judiciary Committee are to be commended for their efforts to clearly draw and define the issues.

Mr. President, I have reviewed the materials and the issues and I intend to vote for the confirmation of Judge Haynsworth. It is clear to me that Judge Haynsworth is a man of honor and high ethical standards. His opinions are scholarly, and they exhibit the intellectual honesty that is the mark of a truly impartial judge.

A great deal has been written and said about this nomination. The primary source, the hearing record, itself, is 762 pages long. Observers and commentators, union officials, Senators, and the President of the United States have all spoken.

Judge Haynsworth's personal and judicial philosophy differs from that of some other recent nominees. There is no question about that. I will not attempt to define this philosophy or predict his behavior on the Court because history

has amply demonstrated the futility of such a course. I will observe that it is not surprising, in view of type of man and philosophy that President Nixon wanted to serve on the Supreme Court, that those of a contrary philosophy have waged a war against this nomination. This was to be expected.

The adverse arguments brought forward by those philosophically opposed to Judge Haynsworth's nomination deserve our careful study. No Senator can intelligently cast his vote if he knows only one side of the question.

What are of greater interest to me, however, are the testimony and observations of many who, although philosophically opposed to Judge Haynsworth, commend the nomination or, at least find the criticism of him unjust. The opinions of those who speak against their own philosophical interests should be entitled to great weight.

Mr. John P. Frank, attorney, testified in favor of Judge Haynsworth. He served as law clerk to Justice Black, he has taught at Yale and Indiana Law Schools and has written about the Supreme Court, he is a member of the Advisory Committee of the Supreme Court and the Judicial Conference on Civil Procedure. He filed the first brief calling for total school desegregation in 1950 in the case of Sweatt against Painter. He was the first to write in favor of what has become known as the one-man, one-vote rule. He was cocounsel in Mirand against Arizona. In his testimony he said:

I would without doubt have preferred different administration to be appointing more liberal Justice. But my side lost a election, and the fact of the matter is that as a member of the bar we are called upon by canon 8 to rise to the defense of judge unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification Judge Haynsworth is truly an unjust criticism which cannot be fairly made.

This quotation is from page 123 of the hearings record.

Mr. Frank's testimony was directed toward the issue of Judge Haynsworth ownership of a one-seventh interest Carolina Vend-A-Matic and whether should have disqualified himself in Darlington case. His brief was persuasive. The overwhelming weight of authority required Judge Haynsworth sit in the case, not to disqualify him.

Prof. G. W. Foster, Jr., teaches law the University of Wisconsin. A devoted civil rights advocate, Professor Foster played a prominent role in the preparation of the original Department of Health, Education, and Welfare school desegregation guidelines in 1965. In prepared statement which was submitted to the committee and is a part of record, Professor Foster says:

My presence today is explained by my to speak to the charges that Judge Haynsworth is a racial segregationist. Judge Haynsworth is not a segregationist . . .

Judge Haynsworth is an intelligent, sensitive, reasoning man. His record as a shows him to be a man capable of continuing growth and responsive to the need change where needs are persuasively shown to exist. . . . (H)e will make a first Associate Justice.

titled to have the benefit of accurate information when decisions are made regarding his purchase of insurance, his employment, or the granting of credit to him. In nearly all cases, there are no problems. The reporting of information on individuals is based on confidence, honesty, and good will between the reporting agency, the individual seeking credit insurance or employment, and the individual making the final decision.

Many reporting agencies have processed millions of reports without any complaints regarding the invasion of privacy, inaccuracy of their reports, or irrelevancy of the data. To be sure, errors are made in this industry, despite the good intentions of those involved. But what errors may occur in the normal process of the reporting business generally have little, if any, detrimental effect upon the person involved. No amount of legislation will completely do away with inaccuracy. On the other hand, it is important that individuals know that they have access to information which is being used regarding their activities. This bill provides that individuals may have access to information contained in reports made on them. To many reporting agencies, this will bring no change in their operations because they have always been willing to discuss the information they have with individuals to whom it applies. They have done this because of their desire that the information be accurate. Despite the relatively few abuses in the reporting industry, there are some individuals both in the reporting industry and outside of the reporting industry who misuse information on individuals.

I think it is important that we understand that this is not limited to reporting agencies. During our hearings, several individuals complained about their experience with reporting agencies. As might be expected, a careful study of the background of these individuals and the information contained on them in the files of reporting agencies showed that in some instances the information contained was completely accurate so far as could be determined. In other instances, there were errors. We discovered, however, that often the problem that a consumer has is because of a misunderstanding rather than improper reporting by an agency.

In our hearings, we also discovered that we cannot protect an individual's privacy or assure accuracy of information by dealing only with reporting agencies. It is necessary in some instances also to deal with those who provide information to reporting agencies and those who receive the information from those agencies. We found cases where individuals whom one would not suspect of misrepresentation had intentionally fabricated situations in order to receive information from reporting agencies to which they were not entitled. In one case, this was done by a professor at a well-known university who said that he was considering promoting an employee, when no such change was under consideration. He did receive a report and used the report to prove his feeling that credit-reporting agencies provide information to unau-

thorized individuals. In another case, a program was shown on a major television network which proved that information could be received from a credit-reporting agency by individuals who should not have access to the information. In this case, a fictitious company was established and reports were sought on individuals stating that they desired credit from the company.

It is because of this type of unauthorized use and the unauthorized securing of information that the bill provides a penalty of up to \$5,000 and 1 year's imprisonment for any person who knowingly and willfully obtains a consumer report under false pretenses.

Mr. President, it should also be brought to the attention of the Senate that this legislation is not supported by reporting firms involved in making employment and insurance reports, the insurance industry, or the banking community. None of these disagree with the purpose of the legislation to assure the accuracy and confidentiality of information reported on consumers. They do disagree, however, with some of the requirements contained in this legislation.

It is these particular disagreements that we in the committee should watch carefully over the next year or two to see whether they are justified. If they are not, we should change the law.

Despite the possible shortcomings and despite the difficulties which may arise as a result of this proposal, I believe that on balance it deserves the support of the Senate.

I am happy to join my colleague from Wisconsin in urging that the Senate pass the bill.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PROXMIRE. I thank the Senator very much for an excellent speech. The bill, in its present, practical, workable form would not have been possible without the kind of work the Senator from Utah put into it. The Senator from Utah brings to this kind of legislation a very solid experience in business, a practical turn of mind, and both the diligence and the willingness to work hard on details that are rare in any kind of activity. His contributions have been essential. Although we may have disagreed on various aspects of the measure, we have reached a compromise that I can enthusiastically support, as I think he does.

Mr. BENNETT. Mr. President, I appreciate what the Senator has said about me.

I hope the Senate will pass the bill.

The PRESIDING OFFICER. If there be no amendment to be offered to the committee amendment, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the third reading and engrossment of the bill.

The bill was ordered to be engrossed, and to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZATION TO FILE ADDITIONAL VIEWS ON S. 2577

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, on S. 2577, a bill to provide additional mortgage credit and for other purposes, permission be granted to file additional views.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JUDGE HAYNSWORTH TO THE SUPREME COURT

Mr. MILLER. Last May 5, in my speech to the Senate regarding the disclosure that Mr. Justice Fortas had received a \$20,000 fee from a family foundation of financier Louis Wolfson, recently sentenced to prison for violating our securities laws, I expressed the hope "that any future nominations to the Supreme Court and, for that matter, to any other court, will be given far more thorough scrutiny by both the administration and the Senate Judiciary Committee than was the case with the nomination of Mr. Justice Fortas."

Although I deeply regret the discomfort and inconvenience caused Judge Haynsworth by the fact that his nomination to the Supreme Court has been before the Senate since last August 18, I nevertheless believe my words of last May have been heeded and that it has been in the public interest that they were.

Until recently, the confidence of the public in the Supreme Court had reached what might be termed an all-time low. In a Gallup poll published on July 10, 1968, only 36 percent of the public was indicated as giving a favorable rating to the Court. With the resignation of Mr. Justice Fortas and the appointment of Judge Burger to be Chief Justice, this confidence has begun to be restored. I believe I have a duty, as a Member of the Senate, to do what I can, through the confirming power of the Senate, to see to it that public confidence in the Supreme Court is fully restored. Unless it is, all of our democratic institutions are threatened.

As I said on July 26, 1968, during the debate on the Fortas nomination:

Under this bill credit reporting agencies are required to make full disclosure to the consumer of all of the information obtained. The consumer will then be given the opportunity to correct inaccurate or misleading data. The bill also requires that this information be kept confidential and used only for legitimate business purposes. The consumer is also given the right to be informed of investigations into his personal life.

While most credit bureaus already operate within the framework of this bill, the rapid expansion of the credit reporting industry, where today files are maintained on more than 100,000,000 individuals, coupled with an almost complete lack of State regulation has caused some problems to arise. Hearings held earlier this year before the Banking and Currency Committee showed that in some cases highly confidential and personal data had been disseminated as a result of random telephone calls or letters. In these cases not even a cursory check was made on the individual making the request for the data or its ultimate use.

An even more striking example of the need for this legislation was presented on CBS television earlier this year. At that time a reporter for the network was able to obtain 16 out of 20 of the credit reports on individuals whom he selected at random from 20 credit bureaus. To make matters worse, the reporter obtained the information by claiming that he represented a completely fictitious company. I am sure all will agree that basic protections are necessary to preserve the rights of the individual in such instances.

The Fair Credit Reporting Act is a reasonable and sensible approach toward alleviating these problem areas. Its provisions will not hinder credit bureaus in the collection of legitimate data. The bill will, however, preserve the basic rights of the individual. It will allow the subject of an adverse credit report to be fully informed of the charges levied against him. When such charges are inaccurate, the right to explain or refute is also present. These rights are basic to our American heritage and must not be infringed upon. Finally, this legislation will help to preserve the individual's right to privacy, especially where highly personal information is involved.

These are the rights which the Fair Credit Reporting Act seeks to protect. Surely no one would deny these rights to any of our Nation's citizens or quarrel with the purpose of this most important consumer protection legislation.

Mr. President, I commend the Senator from Wisconsin for the long, difficult, most necessary work he has done in connection with the important legislation now before the Senate.

Mr. PROXMIRE, I thank the Senator from New Jersey. I know of no one who has worked harder, more consistently, or more effectively on behalf of the consumer than the Senator from New Jersey not only on this bill but in other bills before the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR RECOGNITION OF SENATOR GRAVEL AT THE CONCLUSION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that sometime at a convenient point during the morning hour, or at the conclusion of morning business, the distinguished Senator from Alaska (Mr. GRAVEL) be allowed to proceed for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT OF CONSUMER PROTECTION CREDIT PLAN

The Senate resumed the consideration of the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

Mr. BENNETT. Mr. President, I appreciate the courtesy of the Senate, and of my colleague from Wisconsin (Mr. PROXMIRE) in particular, in giving me this opportunity to participate in the presentation of the bill.

I am sorry I could not be on the floor during my colleague's discussion of it, but I am involved in a conference downstairs and I hope that what I shall say will fit in with what has gone before, because obviously I am in no position to be sure.

Mr. President, I support this legislation, although I believe that the need for it has been greatly exaggerated.

The committee members and representatives of both the reporting agencies and the industries which they serve have worked hard to reach agreement on responsible legislation which would protect the legitimate interests of both consumers and industry. I believe that those representing the industries which will be covered by this legislation should be commended for their untiring efforts and their willingness to view not only their

own interest but that of consumers whom they ultimately serve.

Of course, I realize that there are some segments of the industry which are disappointed, which feel that it does not adequately take care of their particular and perhaps different needs. But, with this bill, we are breaking new ground, and I am sure if time reveals that we have made mistakes, or we have overlooked situations, the committee can come back and remedy the deficiencies.

This bill covers all types of reports on consumers, even though one might be led to believe that it covers only credit reports. In addition to credit reports, reports are also made on individuals seeking employment and individuals seeking insurance. In fact, reports dealing with insurance and employment are necessarily more detailed in most instances than those on individuals seeking credit. Because of this additional detail, this legislation is more onerous on reporting agencies which are engaged in this type of activity.

Mr. President, I would like to point out the fact that credit reporting agencies have been established to serve not only industry but also consumers. Without information on an individual, it is difficult to make a decision as to whether he should receive credit, what rate he should pay for insurance if it is to be sold to him at all, or whether he would fill the needs of his employer. We should keep in mind that retailers want to sell merchandise, not refrain from selling it. Employers desire to fill their job requirements. They are not seeking to turn down prospective employees. Insurance companies desire to sell insurance. They have no interest in turning down prospective customers unless there are reasons why they would not be good customers. Decisions made by retailers, employers, and insurance companies can only be as good as the information which they have upon which it is based. It is important, therefore, that we not enact legislation which would reduce the information which is legitimately required in order to make these decisions, and which information becomes available to them through accurate and complete reporting.

As this bill has been considered by our committee, many changes have been made in order that the flow of credit information would not be unduly hampered.

At this point, Mr. President, I should like to pay personal tribute to the Senator from Wisconsin (Mr. PROXMIRE) who has been the author and is the Senator in charge of the bill.

He has been most patient with the rest of us on the committee. He has been very willing to accept our ideas for changes in the bill. I like to think that the bill is very much better because of the way it has been handled in committee.

Despite our efforts, in our eagerness to reach the enactment of legislation, we may have made some mistakes which, as I have just said, may later need to be corrected. The major purposes of the legislation, however, are important. I believe that every consumer is en-





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# Congressional Record

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No. 181

## Senate

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, amid many voices we would now hear Thy voice calling us to duty and service to the Nation in this House.

Direct those who speak where many listen and write where many read. Save the people who read and see and hear from merely reading and seeing and hearing. Give them understanding minds. Deliver them from that darkness which comprehends not what is Thy will and purpose. Shed the light of Thy truth upon the crucial concerns of our times. Guide all men that they may communicate so as to espouse idealism and not idolatry, to express love and not hate, to promote unity and not discord.

Grant that all who lead the Nation may speak so as to make the mind of the people wise, its heart sound, its will righteous.

Through Jesus Christ our Lord. Amen.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 4, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On October 30, 1969:

S. 74. An act to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North and South Dakota;

S. 775. An act to declare that the United States shall hold certain land in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak.; and

S. 921. An act to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux

Tribe of the Cheyenne River Indian Reservation.

On October 31, 1969:

S.J. Res. 164. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949.

### EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

### DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

### SUBVERSIVE ACTIVITIES CONTROL BOARD

The bill clerk read the nomination of Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

### NATIONAL DAY OF PRAYER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 499, House Joint Resolution 910.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

S 13739

The bill clerk proceeded to call the roll. Mr. PACKWOOD: Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

MAJOR NATURAL GAS PIPELINES

A letter from the Chairman, Federal Power Commission, transmitting for the information of the Senate a map entitled "Major Natural Gas Pipelines (with an accompanying paper)"; to the Committee on Commerce

PROPOSED LEGISLATION GOVERNING THE CONDUCT OF UNITED STATES JUDGES

A letter from the Director, Administrative Office of the U.S. Courts, transmitting on behalf of the Judicial Conference of the United States, proposed legislation to amend section 331 of title 28, United States Code, to authorize the Judicial Conference of the United States to promulgate rules and standards governing the conduct of U.S. Judges (with an accompanying paper); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE DIVISION OF COAL MINE INSPECTION, BUREAU OF MINES

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year ended December 31, 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the PRESIDENT pro tempore: A resolution adopted by the Genesee County Board of Supervisors, Flint, Mich., praying for the enactment of legislation to implement a program to provide that counties are included within the definition of "local governments" so as to participate in the Federal system; to the Committee on Finance.

A resolution adopted by the County Council of King County, Wash., praying for the

enactment of legislation to repeal title II of the Internal Security Act of 1950; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 1442. A bill to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section (Rept. No. 91-520).

EXPANSIONS OF THE MORTGAGE MARKET—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 91-516)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 2577) to provide additional mortgage credit and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with minority and individual views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

FAIR CREDIT REPORTING—REPORT OF A COMMITTEE (S. REPT. NO. 91-517)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information, and I submit a report thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and the report will be printed.

AMENDMENT OF FEDERAL CREDIT UNION ACT—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 91-518)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

I ask unanimous consent that the report be printed, together with minority views, and that the committee have until midnight tonight to deliver the copy for printing purposes.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91-519)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 241, 90th Congress, second session, as extended, submitted a report entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Bolivia;

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund;

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization; and

David R. Dege, of Indiana, Jewel LaFontant, of Illinois, and William C. Turner, of Arizona, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I also report favorably sundry nominations in the Diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John F. Fitzgerald, of Pennsylvania, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN (for himself, Mr. ALLEN, and Mr. HOLLAND):

S. 3114. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the bill appear later in the Record under the appropriate heading.)

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