Mr. HORTON. Mr. Speaker, I rise in support of this bill, which will add greatly to the protection of personal privacy of all Americans.

The bill achieves this objective by three means. First, it provides that citizens may have access to most records about them maintained by the Federal Government, and may request the Government to correct misstatements in the records. Second, it requires Federal agencies to make public all the uses they make of personal records, and forbids those agencies from transferring such records to persons not named in the published uses unless the individuals to whom the documents pertain have given their advance written consent to the transfers. Third, the bill allows citizens to file suit in Federal court to correct their records, see records about them which agencies withhold, and secure damages when they have been harmed by a willful or intentional action of an agency regarding their records.

Mr. Speaker, in writing H.R. 16373, the House bill which is very similar to the measure now before us, the Government Operations Committee, on which I serve as ranking minority member, made great efforts toward this end: as we added privacy protections for citizens, we did not want to add great burdens for Government agencies in implementing the bill. I think that we accomplished that goal by drawing the legislation so that agencies would have to publicize what they were doing, but would not have to submit to unreasonable requirements which would in effect prevent them from carrying out constructive programs.

The chairman of the Foreign Operations and Government Information Subcommittee, Mr. MOORHEAD of Pennsylvania, and the ranking minority member of that subcommittee, Mr. ERLENBORN, have labored long and hard to insure that whatever bill eventually represented a synthesis of House and Senate measures on this subject be directed toward that same end. I commend them for their work; in my judgment, although the bill now before us includes some provisions from the Senate measure which I myself would not have proposed, those provisions are reasonable and the bill is a good one.

The major way in which this bill differs from the one passed by the House less than a month ago is that this legislation creates a Privacy Protection Study Commission to investigate the information practices of organizations of all kinds insofar as they relate to personal information, and recommend how individual privacy can best be protected, consistent with good recordkeeping practices. I hope that this Commission will make constructive recommendations and that they will lead to increased privacy for all Americans in the future. I expect that the Commission will use good sense in collecting information to be used in its study, and will, consistent with the spirit of this legislation, not interfere with the ongoing business of Government.

For example, the Congress has recognized in this bill that certain records, such as those maintained by the Central Intelligence Agency and others classified for national security reasons, should be exempt from the requirement that individuals have access to records about them. I trust that the Commission will conduct its affairs in such a way as not to impair the responsibility of the Director of the CIA to protect intelligence sources and methods or the head of any agency to keep classified documents secret.

Mr. Speaker, S. 3418 in its present form will help protect the personal privacy of our fellow Americans. I urge my colleagues to join me in supporting it.

Mr. KOCH. Mr. Speaker, the first privacy legislation on the subject matter covered by the legislation on the floor today was the bill H.R. 7214 which I introduced on February 19, 1969. There is no legislation in which I have been involved here in the Congress that has given me greater satisfaction and a sense of accomplishment than this. The bill before us today, which earlier passed the House and Senate on November 21, is a good bill and one which I believe is well worth supporting. By its passage today we have reached a landmark in legislative history, and truly the 93d Congress can justly be called the privacy Congress.

I had hoped that a Federal Privacy Commission would ultimately be incorporated in the final bill. It was approved in the Senate, but not in the House. However, I am pleased that the compromise reached provided for at least a study commission of other governmental and private organizations. The study commission is directed to complete a report within two years and that report should include recommendations for applying privacy principles to those organizations being studied.

There is a basic missing provision not in the bill in the area covering law enforcement agencies. However, that comes about because the House Judiciary Committee under the subcommittee chairmanship of DON EDWARDS is considering comprehensive legislation covering the entire criminal justice field. It was and is my contention that until the Justice Department can come forward with a proposal that the Congress can agree upon, criminal justice systems should be included in this privacy legislaton. It s completely unjustificable to exempt criminal justice systems. Privacy legislation must affect law enforcement records. However, what is significant in the bill is a provision which states that no agency, including law enforcement agencies, is permitted to maintain a record concerning the political or religious beliefs or activities of any individual unless expressly authorized by statute or by the individual himself.

The exemptions section should have been limited only to those files having to do with national defense and foreign policy, information held pursuant to an active criminal investigation, and records maintained for statistical purposes not identifiable to an individual. I also regret that the provision to allow court assessment of punitive damages is not incorporated in this bill and that there is a provision to permit the withholding from an individual the source of confidential information in his file.

The bill does prohibit Federal agencies from selling or renting mailing lists except as authorized by law. Also, thanks to the enormous efforts of BARRY GOLDWATER, JR., there is a provision mandating that benefits not be denied to an individual solely for failure to disclose his social security account number, unless that disclosure is mandated by statute.

Basic to my 5-year effort to establish privacy standards for all Federal agencies has been the requirement that a directory of data banks be published and available to the general public. A provision I sponsored is in the bill providing for an efficient and economical Directory of Federal Data Banks. We cannot succeed in protecting privacy with a code of fair information practices unless there is a publically available directory of personal information systems.

I am particularly proud of the fact that this legislation moved ahead in the year of the 93d Congress because it received across the board political support. It became known initially as the Koch and Goldwater privacy bill. And, while it might have seemed strange to some that KOCH and GOLDWATER could join together on some piece of legislation, those who understand the basic premise of conservative and liberal ideology appreciate the fact that on the issue of privacy there is a commonality of interest and concern. The bill before us is the work product of a great number of persons on the committee.

However, I again want to take special note of the enormous support and efforts that subcommittee Chairman WILLIAM MOORHEAD and Congresswoman BELLA ABZUG gave in shaping the legislation, on the Democratic side in committee, as did all the members on that committee. And I also especially want to thank the ranking minority members, JOHN ERLENBORN and FRANK HORTON, who worked so diligently to bring this legislation to the floor. The bipartisanship shown was reflected in the Government Operations Committee vote when it passed the bill out of committee 39 to 0. I also want to give special thanks to Senators ERVIN, PERCY, BAYH, MUSKIE, and RIBICOFF for their efforts on the Senate side.

I shall now list the major areas that the bill covers:

First, it permits an individual to gain access to a file held on him by any Federal agency;

Second, permits any person to supplement the information contained in his file;

Third, permits the removal of erroneous or irrelevant information and provides that agencies and persons to whom the erroneous or irrelevant material has been previously transferred, be notified of its removal;

Fourth, prohibits records from being disclosed to anyone outside a Federal agency, except on an individual's request and when permitted by this act in some specified cases;

lecting their own taxes. This information may be sent before the State itself conducts any tax investigation on the individual.

Under the bill, this is intended to constitute a routine use for a purpose compatible with the purpose for which the information was collected, so the IRS could continue to send this information to the State and local tax agencies as is presently done.

Also, the IRS sends to State and local tax agencies the Federal tax returns of individuals who live in the State so the State agency can check to see if the individual has reported the same income and deductions on his Federal and State or local tax returns. Again, the States rely on this information in enforcing their own tax laws. Also, this information may be sent to a State before it conducts a tax investigation on its own.

Under the bill, it is intended that this would be a routine use for a purpose compatible with the purpose for which the information is collected so the IRS can continue to send tax information to State and local tax agencies in this way.

The IRS, of course, provides tax information on individuals to the Justice Department when the Justice Department is preparing a tax case against the individual. This information is used by the Justice Department in investigating and preparing tax cases and also is disclosed in court as the Justice Department presents evidence against the individual.

This disclosure both to the Justice Department and in court would represent a routine use of the tax information compatible with the purpose for which it was collected and this disclosure would continue to be possible under the provisions of the bill.

Under the bill tax returns and other tax information can—as under present law—be disclosed to the tax committees of the Congress: the Senate Finance Committee, the House Ways and Means Committee, and the Joint Committee on Internal Revenue Taxation.

Under the bill this information can also continue to be disclosed to the staffs of these committees, as under present law.

Under the bill an agency can disclose tax returns to either House of Congress or to committees of Congress to the extent of matters within their jurisdiction. Since tax returns can be disclosed by an agency to the Senate and House, it is intended that—as under present law—the committees which have received tax returns can also disclose them to the Senate or House, just as the Joint Committee on Internal Revenue Taxation did with the tax information on President Nixon.

Mr. Speaker, this bill deals with personal data that is frequently processed and stored on automated recordkeeping systems. These systems require the performance of appropriate maintenance techniques, for example memory dumps needed by nonagency personnel who diagnose and repair the equipment. How are these nonagency maintenance personnel to be viewed relative to the bills disclosure and accounting provisions?

It is necessary to properly maintain recordkeeping systems in order to insure data accuracy and validity. It is our intention that authorized maintenance of automated systems performed by nonagency personnel be viewed as a legitimate extension of the authority of agency employees who must see personal data in the normal performance of their duties. Accordingly, nonagency personnel performing authorized maintenance would be in the same position as agency officials and employees.

Mr. ERLENBORN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. MOORHEAD)?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, when the House originally considered this bill, it adopted an amendment regarding certain investigatory material. I would ask the gentleman, does that amendment remain in the bill?

Mr. ERLENBORN. Yes, it does.

Mr. ALEXANDER. Exactly what does the amendment provide?

Mr. ERLENBORN. It says that the head of any agency may promulgate rules to exempt certain investigatory material from the access requirements of this legislation. Specifically, the material which may be exempted is, and I quote:

> Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Mr. ALEXANDER. The amendment does not extend, then, to all investigatory material?

Mr. ERLENBORN. That is correct; it does not. It is limited in two important regards. First, it pertains only to investigatory material compiled solely for certain specified purposes. Second, and more important, it governs access to that information only to the extent that the disclosure of the material would reveal the identity of a cofidential source.

Mr. ALEXANDER. Then this amendment would not permit an agency to withhold information which a confidential source gave to the agency.

Mr. ERLENBORN. That is correct. The agency would have to allow an individual access to all information regarding, let us say, his background security check, except the part which would reveal a confidential source. In some cases, this might be simply his name. This is far greater access than individuals have at the present time.

Mr. ALEXANDER. In some instances, I suppose, agencies might claim that disclosure of any part of a particular item would reveal the identity of a confidential source. In those instances, could the agencies conceal even the fact of the item's existence from the citizen who wished to see his file?

Mr. ERLENBORN. Absolutely not. The fact that a confidential derogatory statement exists in someone's file, and that the statement could be characterized in some general way, most assuredly would not reveal the identity of a confidential source. The fact of the item's existence and a general characterization of that item would have to be made known to the individual in every case.

Mr. ALEXANDER. Let me ask the gentleman one further question. Suppose an individual believed that he had not been promoted in his Government job because of confidential derogatory information in his file, and that the Government refused to allow the individual access to that information on the grounds that allowing access would reveal the identity of a confidential source. Suppose further that the individual then went to court and demanded that he be promoted, arguing that nothing on the public record interfered with his right to the promotion. Would the government then have to let him see the portion of his file which it had previously withheld?

Mr. ERLENBORN. If the Government wanted to introduce the statement into evidence in court, it would surely have to allow the individual to see the statement. If the Government had no other reason for denying the promotion, it would in effect have two choices: Release the information which would reveal the identity of the confidential source or lose the case.

Let me add one further thought here. We have been discussing for the past few minutes statements made by "confidential sources." The bill provides that with regard to statements made to Government agencies in the past, this term shall include all sources who furnished information under an implied promise that the identity of the source would be held in confidence. This is as it should be; we must protect the privacy of people who believe that they were speaking to Federal agents in a privileged fashion.

With regard to statements made to Government agencies in the future, however, the term will refer only to sources who furnish information under an express promise that the identity of the source would be held confidential. The Office of Management and Budget has assured us that it will issue guidelines and work closely with agencies to insure that Federal investigators make sparing use of the ability to make express promises of confidentiality. Both OMB and we want to insure that such promises are made only when the information involved is extremely important to the Government and would not be offered if the promise were not made in return.

Mr. ALEXANDER. I thank the gentleman for his remarks. I would like to turn briefly to the gentleman from Pennsylvania (Mr. MOORHEAD) and ask him if he concurs in the explanation of the amendment given by the gentleman from Illinois.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I am happy to assure the gentleman that I am in complete agreement with the explanation.

exercising a right, benefit, or privilege. Thus, for illustration, after January 1, 1975, it will be unlawful to commence operation of a State or local government procedure that requires individuals to disclose their social security account numbers in order to register a motor vehicle, obtain a driver's license or other permit, or exercise the right to vote in an election. The House section was amended to include the Senate provision for informing an individual requested to disclose his social security account number of the nature, authority and purpose of the request. This provision is intended to permit an individual to make an informed decision whether or not to disclose the social security account number, and it is intended to bring recognition to, and discourage, unnecessary or improper uses of that number.

RULEMAKING PROCEDURES FOR MAKING EXEMPTIONS

To obtain an exemption from certain provisions of this Act under the House bill, agencies entitled to those exemptions would be required to public notice of the proposed exemptions in the *Federal Register* pursuant to Section 553 of the Administrative Procedures Act permitting comments to be submitted in writing for inclusion in the *Register* with such exemptions.

The Senate bill applied a much more stringent standard and would have required agencies to hold adjudicatory hearings as provided in APA Sections 556 and 557. The compromise agreement would no longer require full adjudicatory proceeding by any agency seeking an exemption permitted under the act. However, agencies would still be required to publish notice of a proposed rulemaking in the Federal Register and could not waive the 30 day period for such publication. In addition it is specifically provided in this act that agencies obtaining such exemptions state the reasons why the system of records is to be exempted.

DUTIES OF THE OFFICE OF MANAGEMENT AND BUDGET

Under the Senate bill the Privacy Protection Commission was directed to develop model guidelines and conduct certain oversight of the implementation of this Act to Federal agencies. Since the compromise amendment would change the scope of authority of the commission, it was felt there remained a need for an agency within the government to develop guidelines and regulations for agencies to use in implementing the provisions of the Act and to provide continuing assistance to and oversight of the implementation of the provisions of this Act by the agencies.

This function has been assigned to the Office of Management and Budget.

REPORTS ON NEW SYSTEMS

Under the Senate bill the Privacy Protection Commission was to have a central role in evaluating proposals to establish or alter new systems of information in the Federal government. If the commission had determained that such a proposal was not in compliance with the standards established by the Senate bill the agency which prepared the report could not proceed to establish or modify an information system for 60 days in order to give the Congress and the President an opportunity to review that report and the commission's recommendations.

The compromise amendment would require that agencies provide adequate advance notice to the Congress and to the Office of Management and Budget of any proposal to establish or alter a system of records in order to permit an evaluation of the privacy impact of that proposal. In addition to the privacy impact, consideration should be given to the effect the proposal may have on our Federal system and on the separation of powers among the three branches of governmet. These concerns are expressed in connection with recent proposals by the General Services Administration and Department of Agriculture to establish a giant data facility for the storing and sharing of information between those and perhaps other departments. The language in the Senate report on pages 64–66 reflects the concern attached to the inclusion of this language in S. 3418.

The acceptance of the compromise amendment does not question the motivation or need for improving the Federal government's data gathering and handling capabilities. It does express a concern, however, that the office charged with central management and oversight of Federal activities and the Congress have an opportunity to examine the impact of new or altered data systems on our citizens, the provisions for confidentiality and security in those systems and the extent to which the creation of the system will alter or change interagency or intergovernmental relationships related to information programs.

GOVERNMENT CONTRACTORS

The Senate bill would have extended its provisions outside the Federal government only to those contractors, grantees or participants in agreements with the Federal government, where the purpose of the contract, grant or agreement was to establish or alter an information system. It addressed a concern over the policy governing the sharing of Federal criminal history information with State and local government law enforcement agencies and for the amount of money which has been spent through the Law Enforcement Assistance Administration for the purchase of State and local government criminal information systems.

The compromise amendment would not permit Federal law enforcement agencies to determine to what extent their information systems would be covered by the Act and to what extent they will extend that coverage to those with which they share that information or resources.

DEFINITION OF RECORD

The definition of the term "Record" as provided in the House bill has been expanded to assure the intent that a record can include as little as one descriptive item about an individual and that such records may incorporate but not be limited to information about an individual's education, financial transactions, medical history, criminal or employment records, and that they may contain his name, or the identifying number, symbol, or other identifying marks, particularly assigned to the individual, such as a finger or voice print or a photograph. The amended definition was adopted to more closely reflect the definition of "personal information" as used in the Senate bill.

I will not take the time to explain each of these amendments because many of them are merely technical or conforming in nature. All of them are clearly germane to the original House bill. I will, however, mention the most important of them—

First, the bill provides for a seven-member Privacy Protection Study Commission, authorizing a 2-year study of various aspects of individual privacy affecting areas of the private sector and State and local governmental units. In my judgment, Mr. Speaker, such a study—without directly affecting the operational aspects of the Privacy Act of 1974—will be most helpful in understanding the complexities of individual privacy in non-Federal activities and in the consideration of additional legislation affecting privacy in the future.

Second, I would like to mention another amendment in the Senate bill that deals with mailing lists. Language included in the legislation would prohibit the sale or rental of mailing lists, names and addresses, by Federal agencies maintaining them. The philosophy behind this amendment is that the Federal Government is not in the mailing list business, and it should not be Federal policy to make a profit from the routine business of government, particularly when the release of such lists has been authorized under the Freedom of Information Act. In other words, such lists can not be withheld by an agency, unless it determines that the release would constitute "a clearly unwarranted invasion of privacy" under section 552(b)(6) of title 5, United States Code.

Thus, the language of the bill before us does not ban the release of such lists where either sale or rental is not involved. Our subcommittee on Foreign Operations and Government Information held extensive hearings on Federal agency mail list policies during the last Congress. Such policy varies from agency to agency, and the Federal courts have interpreted in several cases the language of the Freedom of Information Act relating to withholding of matters constituting a "clearly unwarranted invasion of privacy." This measure now before us would preserve the current practices and interpretations of this part of the Freedom of Information Act, as they deal with Federal agency mailing lists.

Finally, the bill, as amended, assigns to the Office of Management and Budget the responsibility of developing guidelines and regulations for all Federal agencies in the enforcement and administration of the Privacy Act.

Mr. Speaker, I will not discuss the other Senate amendments in any detail since a description of them has been placed in the RECORD previously. However, on the major areas of operational parts of the bill—such as access, accounting, disclosure, agency rules and requirements, and exemptions—the bill generally follows the House version. Some strengthening language has, however, been incorporated from the Senate measure.

Mr. Speaker, I now yield to the gentleman from Illinois (Mr. ERLENBORN) who has made such a significant series of contributions at every stage in the development of this meaningful privacy legislation.

Mr. Speaker, some questions as to how the bill will work with respect to tax information and tax returns have arisen. Specifically, the questions relate to the ability of the IRS to disclose tax information under the provision of the bill that allows disclosure for a routine use under a purpose which is compatible with the purpose for which the information is collected.

State and local tax agencies now heavily rely on Federal tax information and investigations when State agencies enforce their tax laws. For example, when the IRS sets up a deficiency against a taxpayer who lives in a State, the IRS frequently sends information on this deficiency to the State or local tax agency. The States use this information in col-

provision of this act in such a way to have an adverse effect on the individual.

Under the Senate bill injunctive relief would be available to an individual to enforce any right granted to him. And an individual would be permitted to sue for damages for any action or omission of an officer or employee of the government who violates a provision of the act.

The standard for recovery of damages under the House bill was a determination by a court that the agency acted in a manner which was willful, arbitrary, or capricious. The Senate bill would have permitted recovery against an agency on a finding that the agency had erred in handling his records.

These amendments represent a compromise between the two positions. They permit an individual to seek injunctive relief to correct or amend a record maintained by an agency. In a suit for damages, the amendment reflects a belief that a finding of willful, arbitrary, or capricious action is too harsh a standard of proof for an individual to exercise the rights granted by this legislation. Thus the standard for recovery of damages was reduced to "willful or intentional" action by an agency. On a continuum between negligence and the very high standard of willful, arbitrary, or capricious conduct, this standard is viewed as only somewhat greater than gross negligence.

Both the House and Senate bills provided for an individual to recover reasonable attorney fees and costs of litigation. The compromise amendments adopt the standard of the House bill permitting the court to award attorney fees and reasonable costs to an individual where the complainant has substantially prevailed in an injunctive action, and requiring such award in actions in which complainants receive damages.

ACCESS AND CHALLENGE TO RECORDS

The House bill would apply a standard of promptness to agency considerations of requests for access to records and requests to challenge or correct those records. In addition, it allows the individual to request a review of a refusal to correct a record by the agency official named in its public notice of information systems.

The Senate bill requires the agency to make a determination with respect to an individual's request for a record change within 60 days of the request and to permit him a hearing within 30 days of a request for one, with extension for good cause permitted. The individual would have the option of a formal or informal hearing procedure within the agency upon a refusal of a request to correct or amend a record. The compromise amendment would require the agency to respond within 10 working days to acknowledge an individual's request to amend a record. Following acknowledgement, the agency must promptly correct the information which the individual believes is not accurate, relevant, timely or complete or inform the individual of its refusal.

If the individual disagrees with the refusal of the agency to amend his record, the agency shall conduct a review of that refusal within 30 working days, provided that an extension may be obtained for good cause. We expect that agency heads will either conduct such reviews themselves, or assign officers of the rank of deputy assistant secretary or above.

The House bill would not have permitted a Federal District Court to review *de novo* an agency's refusal to amend a record. The compromise adopts the Senate provision which would require a *de novo* review of such refusal and to order a correction where merited. Finally, the compomise requires that in any disclosure of information subject to disagreement that the agency include with the disclosure a notation of any dispute over the information or a copy of any statement submitted by the individual stating his reasons for disagreement with the information.

ACCOUNTING FOR DISCLOSURES

The House bill requires an agency to inform any person or another agency about a correction or notation of dispute regarding a record that has been disclosed to that person or agency within two years before making the correction or notation. It would not apply if no accounting of the disclosure had been required. No such limitation was placed upon accounting for disclosures in the Senate bill and the compromise measure would require any person or agency receiving the record at any time before a notation or dispute is made to be notified if an accounting of the disclosures were made.

The House bill requires an agency to maintain an accounting for disclosures for only five years. The Senate bill places no limitation on the length of time for maintaining such disclosures. The compromise amendment would require maintaining of the disclosure for five years or the life of the record, whichever is longer.

LIMITATIONS ON THE TYPES OF INFORMATION COLLECTED AND THE USE OF THIRD PARTY INFORMATION

The Senate bill requires Federal agencies to maintain only such information about an individual as is relevant and necessary to accomplish a statutory purpose of the agency. The House bill did not address this issue. The compromise amendment modifies the Senate provision to permit the collection of information which would be required to accomplish not only a purpose set out by a statute but also a purpose outlined by a Presidential Executive Order.

The provision is included to limit the collection of extraneous information by Federal agencies. It requires that a conscious decision be made that the information is required to meet the lawful needs of an agency. Agencies should formulate as precisely as possible the policy objectives to be served by a data gathering activity before it is undertaken. It is hoped that multiple requests for information will be reduced and that agencies will collect no more sensitive personal information than is necessary.

The Senate bill also requires agencies to collect information to the greatest extent practicable directly from the subject when that information could result in an adverse determination about an individual's rights and benefits and privileges under a Federal program. The House bill had no provision, but the compromise amendment accepts the Senate language. This section is designed to discourage the collection of personal information from third party sources and therefore to encourage the accuracy of Federal data gathering. It supports the principle that an individual should to the greatest extent possible be in control of information about him which is given to the government. This may not be practical in all cases for financial or logistical reasons or because of other statutory requirements. However, it is a principle designed to insure fairness in information collection which should be instituted wherever possible.

ARCHIVAL RECORDS

The House bill provides that records accepted by the Administrator of General Services for temporary storage and servicing shall be considered for purposes of this act, to be maintained by the agency which deposits the records. Records transferred to the National Archives after the effective date of this Act for purposes of historical preservation are considered to be maintained by the Archives and are subject only to limited provisions of the Act. Records transferred to the National Archives before the effective date of this Act are not subject to the provisions of this Act.

The Senate bill provides that records accepted by the Administrator of General Services for temporary storage and servicing shall be considered, for purposes of this Act, to be maintained by the agency which deposits the records. All records transferred to the National Archives for purposes of historical preservation are considered to be maintained by the Archives and are subject only to those provisions of this Act requiring annual public notice of the existence and character of the information systems maintained by the Archives, establishment of appropriate safeguards to insure the security and integrity of preserved personal information, and promulgation and implementation of rules to insure the effective enforcement of those safeguards.

The compromise amendment subjects records transferred to the National Archives for historical preservation prior to the effective date of the act to a modified requirement for annual public notice. It is intended that the notice provision not be applied separately and specifically to each of the many thousands of separate systems of records transferred to the Archives prior to the effective date of this Act, but rather that a more general description be provided which pertains to meaningful groupings of record systems. However, record systems transferred to the Archives after the effective date of this Act are individually subject to the specific notice provisions. This coverage is intended to support and encourage improvements in the organization and cataloging of records maintained by the Archives.

MORATORIUM ON THE USE OF THE SOCIAL SECURITY ACCOUNT NUMBER

The House bill provides that a Federal agency, or a State or local government acting in compliance with Federal law or a federally assisted program, is prohibited from denying to individuals rights, benefits or privileges by reason of refusal to disclose the social security account number. Any such governmental agency is further prohibited from utilizing the social security account number for purposes apart from verification of individual identity except where another purpose is specifically authorized by law. Exempt from these prohibitions are systems of records in existence and operating prior to January 1, 1975. Exemption is further granted where disclosure of a social security account number is required by Federal law.

The Senate bill provides that a Federal agency, or a State or local government, is prohibited from denying to individuals rights, benefits or privileges by reason of refusal to disclose the social security account number. Persons engaged in the business of commercial transactions or activities are prohibited from discriminating against any individual in the course of such activities by reason of refusal to disclose the social security account number. Exempt from these prohibitions are systems of records in existence and operating prior to January 1, 1975. Also exempt are disclosures of the social security account number required by Federal law. This section further provides that any Federal, State or local government agency or any person who requests an individual to disclose his social security number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, what uses will be made of it, and what rules of confidentiality will govern it.

The compromise amendment changes the House language by broadening the coverage of State and local governments so as to prohibit any new activity by such a government that would condition a right, benefit or privilege upon an individual's disclosure of his social security account number.

To clarify the intent of the Senate and House, the grandfather clause of this section was re-stated to exempt only those governmental uses of the social security account number continuing from before January 1, 1975, pursuant to a prior law or regulation that, for purposes of verifying identity, required individuals to disclose their social security account number as a condition for

prepare model legislation upon request for State and local governments interested in adopting privacy legislation. Strict standards and penalties are placed upon commission members and employees with regard to the handling and unlawful distribution of information about individuals which it receives in the course of carrying out its functions.

While the provisions of the rest of this act do not go into effect until 270 days from the date of enactment, the commission is authorized to go into effect immediately upon the appointment of its members in order that some of its work may be available to the Congress and the Executive Branch by the time the remainder of the legislation becomes effective.

ROUTINE USE

The House bill contains a provision not provided for in the Senate measure exempting certain disclosures of information from the requirement to obtain prior consent from the subject when the disclosure would be for a "routine use". The compromise would define "routine use" to mean; "with respect to the disclosure of a record, the use of such records for a purpose which is compatible with the purpose for which it was collected."

Where the Senate bill would have placed tight restrictions upon the transfer of personal information between or outside Federal agencies, the House bill, under the routine use provision, would permit an agency to describe its routine uses in the Federal Register and then disseminate the information without the consent of the individual or without applying the standards of accuracy, relevancy, timeliness or completeness so long as no determination was being made about the subject.

The compromise definition should serve as a caution to agencies to think out in advance what uses it will make of information. This act is not intended to impose undue burdens on the transfer of information to the Treasury Department to complete payroll checks, the receipt of information by the Social Security Administration to complete quarterly posting of accounts, or other such housekeeping measures and necessarily frequent interagency or intra-agency transfers of information. It is, however, intended to discourage the unnecessary exchange of information to other persons or to agencies who may not be as sensitive to the collecting agency's reasons for using and interpreting the material.

INFORMATION ON POLITICAL ACTIVITIES

The House bill tells agencies that they may not maintain a record concerning the political or religious beliefs or activities of any individual unless maintenance of the record would be authorized expressly by statute or by the individual about whom the record is maintained. The House bill goes on to provide that this subsection is not deemed to prohibit the maintenance of any record or activity which is pertinent to and within the scope of a duly authorized law enforcement activity.

The Senate bill constitutes a prohibition against agency programs established for the purpose of collecting or maintaining information about how individuals exercise First Amendment rights unless the agency head specifically determines that the program is required for the administration of a statute.

The compromise broadens the House provisions application to all First Amendment rights and directs the prohibition against the maintenance, use, collection, or dissemination of records. However, as in the House bill, it does permit the maintenance of those records which are expressly authorized by statute or by the individual subject, or are pertinent to or within the scope of an authorized law enforcement activity.

CONFIDENTIAL SOURCES OF INFORMATION

The compromise provision for the maintenance of information received from confidential sources represents an acceptance of the House language after receiving an assurance that in no instance would that language deprive an individual from knowing of the existence of any information maintained in a record about him which was received from a "confidential source." The agencies would not be able to claim that disclosure of even a small part of a particular item would reveal the identity of a confidential source. The confidential information would at the very least have to be characterized in some general way. The fact of the item's existence and a general characterization of that item would have to be made known to the individual in every case.

Furthermore, the acceptance of this section in no way precludes an individual from knowing the substance and source of confidential information, should that information be used to deny him a promotion in a government job or access to classified information or some other right, benefit or privilege for which he was entitled, otherwise if he should consequently bring legal action against the government and should base any part of its legal case on that information.

Finally, it is important to note that the House provision would require that all future promises of confidentiality to sources of information be expressed and not implied promises. Under the authority to prepare guidelines for the administration of this act it is expected that the Office of Management and Budget will work closely with agencies to insure that Federal investigators make sparing use of the ability to make express promises of confidentiality.

STANDARDS APPLIED TO DISSEMINATION OUTSIDE THE GOVERNMENT

H.R. 16373 requires that all records which are used by an agency in making any determination about an individual be maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination. S. 3418 goes much further and requires that agencies apply these standards at any time that access is granted to the file, material is added to or taken from the file, or at any time it is used to make a determination affecting the subject of the file.

The difference between these two measures represents a difference in philosophy regarding the handling of personal information. The Senate measure is designed to complement the requirement that agencies maintain only information which is relevant and necessary to accomplish a statutory purpose. The standard of relevancy should be that statutory basis for an information program which is now set forth in (e)(1) of the compromise measure. By adopting this section, the Senate hoped to encourage a periodic review of personal information contained in Federal records as those records were used or disseminated for any purpose.

The House provision would have applied these important standards for maintenance of information in records at any time a determination is made about an individual. The House bill goes on to permit additional "routine uses" of information which may not rise to the threshold of an "agency determination" without requiring that the information be upgraded to meet these standards.

The compromise amendment would adopt the section of the House bill applying the standards of accuracy, relevance, timeliness and completeness at the time of a determination. It would add the additional requirement, however, that prior to the dissemination of any record about an individual to any person other than another agency, the sending agency shall make a reasonable effort to assure that the record is accurate, complete, timely, and relevant. This proviso was included because Federal agencies would be governed by a requirement to clean up their records before a determination is made and limited by a requirement to publish each routine use of information in the Federal Register, but the use of information by persons outside the Federal government would not be governed by this act. Therefore, agencies are directed to be far more careful about the dissemination of personal information to persons not governed by the enforcement provisions of this bill.

THE FREEDOM OF INFORMATION ACT AND PRIVACY

One difficult task in drafting Federal privacy legislation was that of determining the proper balance between the public's right to know about the conduct of their government and their equally important right to have information which is personal to them maintained with the greatest degree of confidence by Federal agencies. The House bill made no specific provision for Freedom of Information Act requests of material which might contain information protected by the Privacy Act. Instead, in the committee report on the bill, it recognized that:

"This legislation would have an effect on subsection (b)(6) of the Freedom of Information Act (5 U.S.C., Section 552) which states that the provisions regarding disclosure of information to the public shall not apply to material 'the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.' H.R. 16373 would make all individually identifiable information in government files exempt from public disclosure. Such disclosure could be made available to the public only pursuant to rules published by agencies in the Federal Register permitting the transfer of particular data to persons other than the individuals to whom they pertain."

The committee report went on to express a desire that agencies continue to make certain individually identifiable records open to the public because such disclosure would be in the public interest.

The Senate bill provided that nothing in the act shall be construed to permit the withholding of any personal information which is otherwise required to be disclosed by law or any regulation thereunder. This section was intended as specific recognition of the need to permit disclosure under the Freedom of Information Act.

The compromise amendment would add an additional condition of disclosure to the House bill which prohibits disclosure without written request of an individual unless disclosure of the record would be pursuant to Section 552 of the Freedom of Information Act. This compromise is designed to preserve the status quo as interpreted by the courts regarding the disclosure of personal information under that section.

A related amendment taken from the Senate bill would prohibit any agency from relying upon any exemption contained in Section 552 to withhold from an individual any record which is otherwise accesible to such individual under the provisions of this section.

CIVIL REMEDIES

Under the House bill an individual would be permitted to seek an injunction against an agency only to produce his record upon a failure of an agency to comply with his request. An individual would be able to sue for damages only if an agency failed to maintain a record about him with such accuracy, relevance, timeliness and completeness as would be necessary to assure fairness and a determination about him, and consequently an adverse determination was made. A suit for damages would also be in order against an agency if it fails to comply with any other

"(1) maintained by the Central Intelligence Agency; or

"(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section."

In section 5, strike out subsection (h) and insert in its place:

"(h)(1) Any member, officer, or employee of the Commission, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

"(2) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000."

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the full text of S. 3418, containing the Senate amendments to the House amendments, be considered as read and printed at this point in the RECORD, and that the text of the House technical amendment being offered also be printed at the end thereof.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ERLENBORN. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to ask the chairman of the subcommittee to explain the Senate amendments for our colleagues.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I will be most pleased to explain the Senate amendments and then will yield to the gentleman from Illinois for additional comments he or other Members may have on the privacy bill, or for questions concerning its provisions.

First, let me explain briefly the parliamentary situation. Both the House and the Senate passed privacy legislation on November 21. Our bill, H.R. 16373, was messaged over to the Senate the following day. The Senate measure, S. 3418, sponsored by the distinguished Senator from North Carolina, Mr. ERVIN, and a number of other distinguished Members of that body from both parties, was messaged to the House. The House bill was called up on November 22 in the Senate, and all after the enacting clause was stricken and the identical language of S. 3418, was substituted for the House language, and it was returned to the House. This meant, Mr. Speaker, that both the House and Senate versions of the privacy bills were pending at the Speaker's desk—but both bills—S. 3418 and H.R. 16373—had the identical language of the Senate-passed bill.

Because of the lateness in the session and the pressures on Members of both bodies due to other pressing legislative business, we determined that it would not be possible to resolve the complex differences between the two bills in a conference committee. Yet the sponsors and floor managers of the legislation on both sides firmly agreed that it was imperative that final action be taken on privacy legislation before the end of the Congress.

We thereupon agreed, Mr. Speaker, upon a parliamentary procedure which provided that the Senate bill, S. 3418, be taken from the Speaker's desk, be taken up by the House and repassed with the language of the House bill, H.R. 16373, as passed, substituted for all after the enacting clause and returned to the Senate for further action. This action was taken by me last Wednesday, December 11 (RECORD, pages H11661-H11666), and the Senate bill was returned to that body with the language of H.R. 16373, as passed on November 21, and the short title was also amended to reflect the House version.

Mr. Speaker, the other body has now repassed S. 3418 with a series of amendments—many technical and some substantive—which retain the basic thrust of the House version, but which include important segments of the Senate measure. These amendments were informally negotiated by the staffs of the House and Senate committees and are based on agreements between the principal sponsors of the privacy bills in the two bodies.

In calling up the bill for final action and clearance for White House action today, I am asking that the House concur in these amendments—which in my opinion preserve the basic framework of the House bill, but which make a number of significant strengthening changes in the privacy measure that were included in the Senate version. As Members will recall, President Ford specifically endorsed the provisions of H.R. 16373 in October, with the provision that the amendment offered by the gentleman from Illinois (Mr. ERLENBORN), relating to certain confidential investigative records be included in the bill. Such amendment was agreed to by the House on November 20, and is included in the version of the privacy bill now before us. Thus, Mr. Speaker, the bill now being considered here today has the full backing of the White House, and the Members of both parties in the House and the Senate who have had the responsibility of handling the measure in committee and on the floor.

Mr. Speaker, in its concurrence, the House of Representatives is clearing for final congressional action what will be known as the Privacy Act of 1974. This is truly an historic enactment. In effect, the Congress of the United States is acting in the finest sense to implement even further the Bill of Rights.

To my knowledge, this will be the first congressional action on a comprehensive Federal privacy law since the adoption of the fourth amendment to the Constitution. It is the solemn duty of the Congress, as well as the Supreme Court, to implement the spirit and letter of the Constitution.

Although this bill is limited to personal information on individuals contained in Federal records, I am sure it is only the first step to strengthen the right to privacy.

The operative parts of this legislation will go into effect in 9 months. In its birth, I would like to think we are helping America prepare for a grand bicentennial, rededicating ourselves to the fundamental principles of individual freedom and dignity which made this Nation great.

Mr. Speaker, I will insert at this point in the RECORD the text of an analysis prepared by staff of the major amendments added to the House bill in the other body:

ANALYSIS OF HOUSE AND SENATE COMPROMISE AMENDMENTS TO THE FEDERAL PRIVACY ACT

The establishment of a Privacy Protection Study Commission. Only the Senate bill provided for an oversight and study commission to assist in the implementation of the act and to explore areas concerned with individual privacy which have not been included in the provisions of this legislation. The compromise measure will establish a Privacy Protection Study Commission of seven members instead of the five provided in the Senate bill. Three of these members will be appointed by the President, two by the President of the Senate, and two by the Speaker of the House of Representatives.

It is intended that this commission, which will serve for a period of two years, will be solely a study commission. In that capacity it is hoped the commission can assist the Executive Branch and the Congress in their examination of Federal government activities and their impact on privacy as well as representatives of State and local governments and the private sector who are attempting to deal with this important problem.

The scope of the commission's study authority is outlined specifically within the legislation. In section 5 (c)(2)(B), the commission is directed to examine certain issues which are not included in the compromise between the House and Senate bill, such as a requirement that a person maintaining mailing lists remove an individual's name upon request; the question of prohibiting the transfer of individually identifiable data from the Internal Revenue Service to other agencies and to State governments; a question of whether the Federal government should be liable for general damages occurring from a willful or intentional violation of the provisions of new section 552a(g)(1)(C) or (D) which this act creates; and the extent to which requirements for security and confidentiality of records maintained under this act should be applied to a person other than an agency.

The commission shall from time to time and in an annual report, report to the Congress and to the President on its activities, and it shall submit a final report of its findings two years from the date the members of the commission are appointed.

In addition, the commission is authorized to provide necessary technical assistance and

Mr. McFALL. I would not think that any precedent is intended. What we are trying to do is to facilitate the business of this House today, and I think the gentleman from Wisconsin will understand that some of these conference reports are very important and it would be better for us to get them as they come in.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the majority whip.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is not going to take conference reports until the urgent supplemental appropriations bill is disposed of. That is the purpose of this request.

ESTABLISHMENT OF AMERICAN INDIAN POLICY REVIEW COMMISSION

Mr. MEEDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate joint resolution (S.J. Res. 133) to provide for the establishment of the American Indian Policy Review Commission, with Senate amendments to House amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate joint resolution,

The Clerk read the Senate amendments to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment to the text of the resolution insert:

That—

(a) In order to carry out the purposes described in the preamble hereof and as further set out herein, there is hereby created the American Indian Policy Review Commission, hereinafter referred to as the "Commission".

(b) The Commission shall be composed of eleven members, as follows:

(1) three Members of the Senate appointed by the President pro tempore of the Senate, two from the majority party and one from the minority party;

(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives, two from the majority party and one from the minority party; and

(3) five Indian members as provided in subsection (c) of this section.

(c) At its organization meeting, the members of the Commission appointed pursuant to section (b)(1) and (b)(2) of this section shall elect from among their members a Chairman and a Vice Chairman. Immediately thereafter, such members shall select, by majority vote, five Indian members of the Commission from the Indian community, as follows:

(1) three members shall be selected from Indian tribes that are recognized by the Federal Government;

(2) one member shall be selected to represent urban Indians; and

(3) one member shall be selected who is a member of an Indian group not recognized by the Federal Government.

None of the Indian members shall be employees of the Federal Government concurrently with their term of service on the Commission nor shall there be more than one member from any one Indian tribe.

(d) Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as in the case of the original appointment.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings: *Provided*, That at least one congressional member must be present at any Commission hearing.

(f) Members of the Congress who are members of the Commission shall serve without any compensation other than that received for their services as Members of Congress, but they may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(g) The Indian members of the Commission shall receive compensation for each day such members are engaged in the actual performance of duties vested in the Commission at a daily rate not to exceed the daily equivalent of the maximum compensation that may be paid to employees of the United States generally. Each such member may be reimbursed for travel expenses, including per diem in lieu of subsistence.

SEC. 2. It shall be the duty of the Commission to make a comprehensive investigation and study of Indian affairs and the scope of such duty shall include, but shall not be limited to—

(1) a study and analysis of the Constitution, treaties, statutes, judicial interpretations, and Executive orders to determine the attributes of the unique relationship between the Federal Government and Indian Tribes and the land and other resources they possess;

(2) a review of the policies, practices, and structure of the Federal agencies charged with protecting Indian resources and providing services to Indians: *Provided*, That such review shall include a management study of the Bureau of Indian Affairs utilizing experts from the public and private sector;

(3) an examination of the statutes and procedures for granting Federal recognition and extending services to Indian communities and individuals;

(4) the collection and compilation of data necessary to understand the extent of Indian needs which presently exist or will exist in the near future;

(5) an exploration of the feasibility of alternative elective bodies which could fully represent Indians at the national level of Government to provide Indians with maximum participation in policy formation and program development;

(6) a consideration of alternative methods to strengthen tribal government so that the tribes might fully represent their members and, at the same time, guarantee the fundamental rights of individual Indians; and

(7) the recommendation of such modification of existing laws, procedures, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy and declaration of purposes as set out above.

POWERS OF THE COMMISSION

SEC. 3. (a) The Commission or, on authorization of the Commission, any committee of two or more members is authorized, for the purposes of carrying out the provisions of this resolution, to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Commission unless a majority of the Commission assent. Upon the authorization of the Commission subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oats or affirmations to witnessses.

(b) The provisions of sections 192 through 194, inclusive, of title 2, United States Code, shall apply in the case of any failure of any witness to comply with any subpena when summoned under this section.

(c) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this resolution and each such department, agency, or instrumentality is authorized and directed to furnish such information to the Commission and to conduct such studies and surveys as may be requested by the Chairman or the Vice Chairman when acting as Chairman.

(d) If the Commission requires of any witness or of any Government agency the production of any materials which have theretofore been submitted to a Government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held in confidence by the Commission.

INVESTIGATING TASK FORCES

SEC. 4. (a) As soon as practicable after the organization of the Commission, the Commission shall, for the purpose of gathering facts and other information necessary to carry out its responsibilities pursuant to section 2 of this resolution, appoint investigating task forces to be composed of three persons, a majority of whom shall be of Indian descent. Such task forces shall be appointed and directed to make preliminary investigations and studies in the various areas of Indian affairs, including, but not limited to—

(1) trust responsibility and Federal-Indian relationship, including treaty review;

(2) tribal government;

(3) Federal administration and structure of Indian affairs;

(4) Federal, State, and tribal jurisdiction;

(5) Indian education;

(6) Indian health;

(7) reservation development;

(8) urban, rural nonreservation, terminated, and nonfederally recognized Indians; and

(9) Indian law revision, consolidation, and codification.

(b)(i) Such task forces shall have such powers and authorities, in carrying out their responsibilities, as shall be conferred upon them by the Commission, except that they shall have no power to issue subpenas or to administer oaths or affirmations: *Provided*, That they may call upon the Commission or any committee thereof, in the Commission's discretion, to assist them in securing any testimony, materials, documents, or other information necessary for their investigation and study.

(ii) The Commission shall require each task force to provide written quarterly reports to the Commission on the progress of the task force and, in the discretion of the Commission, an oral presentation of such report. In order to insure the correlation of data in the final report and recommendations of the Commission, the Director of the Commission shall coordinate the independent efforts of the task force groups.

(c) The Commission may fix the compensation of the members of such task forces at a rate not to exceed the daily equivalent of the highest rate of annual compensation that may be paid to employees of the United States Senate generally.

(d) The Commission shall, pursuant to section 6, insure that the task forces are provided with adequate staff suppport in addition to that authorized under section 6 (a), to carry out the projects assigned to them.

(e) Each task force appointed by the Commission shall, within one year from the date of the appointment of its members, submit to the Commission its final report of investigation and study together with recommendations thereon.

REPORT OF THE COMMISSION

SEC. 5. Upon the report of the task forces made pursuant to section 4 hereof, the Commission shall review and compile such reports, together with its independent findings, into a final report. Within six months after the reports of the investigating task forces, the Commission shall submit its final report, together with recommendations thereon, to the President of the Senate and the Speaker of the House of Representatives. The Commission shall cease to exist six months after submission of said final report but not later than June 30, 1977. All records and papers of the Commission shall thereupon be delivered to the Administrator of the General Services Administration for deposit in the Archives of the United States.

(b) Any recommendation of the Commission involving the enactment of legislation shall be referred by the President of the Senate or the Speaker of the House of Representatives to the appropriate standing committee of the Senate and House of Representatives, respectively, and such committees shall make a report thereon to the respective house within two years of such referral.

COMMISSION STAFF

SEC. 6. (a) The Commission may by record vote of a majority of the Commission members, appoint a Director of the Commission, a General Counsel, one professional staff member, and three clerical assistants. The Commission shall prescribe the duties and responsibilities of such staff members and fix their compensation at per annum gross rates not in excess of the per annum rates of compensation prescribed for employees of standing committees of the Senate.

(b) In carrying out any of its functions under this resolution, the Commission is authorized to utilize the services, information, facilities, and personnel of the Executive departments and agencies of the Government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of compensation not in excess of the daily equivalent of the highest per annum rate of compensation that may be paid to employees of the Senate generally.

SEC. 7. There is hereby authorized to be appropriated a sum not to exceed $2,500,000 to carry out the provisions of this resolution. Until such time as funds are appropriated pursuant to this section, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the maximum amount authorized herein.

In lieu of the matter proposed to be inserted by the House engrossed amendment to the preamble of the resolution insert:

CONGRESSIONAL FINDINGS

The Congress, after careful review of the Federal Government's historical and special legal relationship with American Indian people, finds that—

(a) the policy implementing this relationship has shifted and changed with changing administrations and passing years, without apparent rational design and without a consistent goal to achieve Indian self-sufficiency;

(b) there has been no general comprehensive review of conduct of Indian affairs by the United States nor a coherent investigation of the many problems and issues involved in the conduct of Indian affairs since the 1928 Meriam Report conducted by the Institute for Government research; and

(c) in carrying out its responsibilities under its plenary power over Indian affairs, it is imperative that the Congress now cause such a comprehensive review of Indian affairs to be conducted.

DECLARATION OF PURPOSE

Congress declares that it is timely and essential to conduct a comprehensive review of the historical and legal developments underlying the Indians' unique relationship with the Federal Government in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians.

Mr. MEEDS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments to the House amendments be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

PRIVACY PROTECTION COMMISSION

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 3418) to establish a Privacy Protection Commission to provide management systems in Federal agencies and certain other organizations with respect to the gathering and disclosure of information concerning individuals, and for other purposes, with Senate amendments to the House amendments and concur in the Senate amendments with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

(1) Page 16, strike out lines 3 through 10, inclusive, and insert:

"(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

"(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(2) Page 24, strike out all after line 10 over to and including line 24 on page 25, and insert:

"(j) GENERAL EXEMPTIONS—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b) (1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) if the system of records is—

"(1) maintained by the Central Intelligence Agency; or

"(2) maintained by an agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (A) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (B) information compiled for the purpose of a criminal investigation, including reports of informants and investigators and associated with an identifiable individual; or (C) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

At the time rules are adopted under this subsection, the agency shall include in the statement required under section 553(c) of this title, the reasons why the system of records is to be exempted from a provision of this section.

(3) Page 42, strike out lines 11 through 21, and insert:

(h)(1) Any member, officer, or employee of the Commission, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses shall be guilty of a misdemeanor and, fined not more than $5,000

The Clerk read the House amendment to the Senate amendments to the House amendments as follows:

1. In section 3, strike out subsection (e) (6) and insert in its place:

"'(6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;".

2. In section 3, strike out subsection (e) (7) and insert in its place:

"'(7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;".

3. In section 3, strike out subsection (j) and insert in its place:

"'(j) GENERAL EXEMPTIONS.—The head of any agency may promulgate rules, in accordance with the requirements (including general notice) of sections 553(b)(1), (2), and (3), (c), and (e) of this title, to exempt any system of records within the agency from any part of this section except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) if the system of records is—