

FOR IMMEDIATE RELEASE

SEPTEMBER 13, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have today signed into law S. 5, known as the "Government in the Sunshine Act". I strongly endorse the concept which underlies this legislation -- that most of the decisionmaking business of regulatory agencies can and should be open to the public.

Under this new law, certain agencies, such as the Securities and Exchange Commission, the Civil Service Commission and the National Science Board -- approximately 50 in all -- are required to give notice in advance and hold their business meetings open to public observation, unless the agency votes to close a session for a specific reason permitted by the Act. Verbatim transcripts would be required to be maintained and made available to the public for many of the closed meetings.

Communications between agency officials and outside persons having an interest in a statutorily required hearing or an adjudication are prohibited. Furthermore, the provision of the Freedom of Information Act which permits an agency to withhold certain information when authorized to do so by statute has been narrowed to authorize such withholding only if the statute specifically prohibits disclosure, or establishes particular criteria for the withholding, or refers to particular types of matters to be withheld. The new Act also amends the Federal Advisory Committee Act to permit the closing of such committee meetings for the same reasons meetings may be closed under this Act.

I wholeheartedly support the objective of Government in the Sunshine. I am concerned, however, that in a few instances unnecessarily ambiguous and perhaps harmful provisions were included in S. 5.

The most serious problem concerns the Freedom of Information Act exemption for withholding information specifically exempted from disclosure by another statute. While that exemption may well be more inclusive than necessary, the amendment in this Act was the subject of many changes and was adopted without a clear or adequate record of what statutes would be affected and what changes are intended. Under such circumstances, it can be anticipated that many unintended results will occur including adverse effects on current protections of personal privacy, and further corrective legislation will likely be required.

Moreover, the ambiguous definition of the meetings covered by this Act, the unnecessary rigidity of certain of the Act's procedures, and the potentially burdensome requirement for the maintenance of transcripts are provisions which may require modification. Implementation of the Act should be carefully monitored by the Executive branch and the Congress with this in mind.

more

Despite these concerns, I commend the Congress both for its initiative and the general responsiveness of this legislation to the recommendations of my Administration that the "Government in the Sunshine Act" genuinely benefit the American people and their Government.

#

.