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H. R. 17980

Florence P. Dwyer

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91ST CONGRESS
2D SESSION

H. R. 17980

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1970

Mr. HORTON (for himself, Mr. MORSE, Mr. CASEY, Mr. BROWN of Michigan, Mr. SCHADEBERG, Mr. GRAY, Mr. PETTIS, Mr. MATHIAS, Mr. PATTEN, Mr. LONG of Maryland, Mr. LOWENSTEIN, and Mrs. DWYER) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To limit the sale or distribution of mailing lists by Federal agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 552 of title 5, United States Code, is amended
4 by adding at the end thereof the following new subsection:

5 “(c) (1) Notwithstanding subsection (a), no agency
6 may distribute, sell, or otherwise make available to any per-
7 son any list of names and addresses of—

8 “(A) employees, or former employees, of any
9 agency,

10 “(B) persons licensed by any agency,

1 “(C) persons registered or required to file informa-
2 tion with any agency, or

3 “(D) members, or former members, of the Armed
4 Forces,

5 except in accordance with paragraph (2) or (3).

6 “(2) An agency may make available a list of names and
7 addresses of persons referred to in paragraph (1) —

8 “(A) if the person to whom such list is made avail-
9 able certifies (in such manner as the agency shall by
10 regulation prescribe) that—

11 “(i) such list will not be used for purposes of
12 commercial or other solicitation, and

13 “(ii) such list will not be used for any purpose
14 which is unlawful under any State or Federal law,
15 or

16 “(B) if the list is made available by the agency as
17 a necessary part of its statutory functions or require-
18 ments (other than requirements imposed by this sec-
19 tion).

20 “(3) Any agency may make available a list of names
21 and addresses if specifically authorized to do so by statute
22 (other than this section).

23 “(4) No person who has received a list under para-
24 graph (2) or (3) may make such list, or any copy thereof,
25 available to any other person. No person who receives a list

1 in violation of the preceding sentence may use such list for
2 purposes of commercial or other solicitations or for any pur-
3 pose which is unlawful under State or Federal law.

4 “(5) Any person whose name and address is on any
5 list made available under paragraph (2) (A) and who is
6 solicited in a communication mailed to him the address of
7 which is obtained from such list may request the person
8 who addressed such communication to remove his name from
9 such list. Upon receipt of such request, the person addressing
10 the communication shall remove such name from such list.

11 “(6) Any person—

12 “(A) who uses a list for a purpose for which he
13 has certified under paragraph (2) (A) that he will not
14 use such list,

15 “(B) who makes a list available to any person, or
16 uses a list, in violation of paragraph (4), or

17 “(C) who fails to remove a name from a list in
18 accordance with paragraph (5),

19 shall be imprisoned for not more than one year, or fined not
20 more than \$10,000, or both.”

21 SEC. 2. The amendment made by the first section of
22 this Act shall apply only to lists made available by an agency
23 after the date of enactment of this Act.

24 SEC. 3. Subsection (c) of section 552 is redesignated
25 as subsection (d).

A BILL

To limit the sale or distribution of mailing lists by Federal agencies.

By Mr. HORTON, Mr. MORSE, Mr. CASEY, Mr. BROWN of Michigan, Mr. SCHADEBERG, Mr. GRAY, Mr. PETTIS, Mr. MATHIAS, Mr. PATTEN, Mr. LONG of Maryland, Mr. LOWENSTEIN, and Mrs. DWYER.

JUNE 9, 1970

Referred to the Committee on Government Operations