

FEDERAL RECORDS MANAGEMENT AMENDMENTS OF  
1976

SEPTEMBER 28 (legislative day, SEPTEMBER 24), 1976.—Ordered to be printed

Mr. RIBICOFF, from the Committee on Government Operations,  
submitted the following

REPORT

[To accompany H.R. 13828]

The Committee on Government Operations, to which was referred the bill (H.R. 13828) to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Beginning on page 8, line 19, strike all through "agencies" on line 22. On page 8, line 19, insert:

The Administrator of General Services or his designee may inspect or use the records of any Federal agency for the sole purpose of determining the records management practices and programs in such agencies, and upon completion of such purpose, any information obtained from such inspection shall, where practicable, be destroyed or returned to such agency or to the person from whom such records were obtained.

On page 9, between lines 3 and 4, insert the following new subsection:

(b) If the Administrator of General Services or his designee knowingly and willfully publishes, communicates or uses any information coming into the possession of such Administrator or designee by reason of any inspection or use conducted as provided in subsection (a)—

(1) in such a manner as to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

(2) for any purpose other than for the inspection of records management practices or programs, he shall be guilty of a misdemeanor and fined not more than \$5,000.

### I. STATEMENT OF PURPOSE

H.R. 13828, the Federal Records Management Amendments of 1976, is designed to strengthen the ability of the General Services Administration to make records management in the Federal Government more efficient. Its purpose is to clarify, update, consolidate, and supplement the authority and responsibility for records management delegated to the Administrator of General Services and to Federal agency heads under the Federal Records Act of 1950 (title V of the Federal Property and Administrative Services Act of 1949, as amended). Those provisions appear as part of title 44 of the United States Code.

#### *Major Provisions*

1. To insure a common understanding among agencies, the bill provides for a clear definition of all concepts involved in records management from the initial creation of the records through final disposition.

2. The bill establishes a clear set of objectives for the Records Management Program to ensure that a balance is struck between developing efficient and effective records management, and the substantive need for Federal records.

3. The legislation specifies the responsibilities of the Administrator in records management in a manner which will eliminate misunderstanding. Of particular significance are responsibilities to:

a. direct the continuing attention of Federal agencies and Congress to the burden placed on the Federal government by unnecessary paperwork and the need for adequate policies.

b. designate heads of agencies to conduct records management studies, rather than GSA independently conducting all studies.

c. conduct inspections involving programs and practices of more than one agency and the interaction among and relationships between Federal agencies.

d. keep Congress and OMB informed as to progress being made in records management.

### II BACKGROUND

H.R. 13828 amends the Federal Records Act of 1950. Under this law, the Administrator of General Services has central staff responsibilities for the records management program. The Administrator, under Chapter 29, Title 44, may make surveys of government records and records management and disposal practices and obtain reports on them from Federal agencies. The Administrator may also promote, in cooperation with the executive agencies, improved records management practices and controls in agencies including the central storage or disposition of records not needed by agencies for their current use.

Because of the new utilization by government since 1950 of advanced technologies, including the vast use of computers, the records production process has been speeded up and the emphasis and approach used in records management policies has vastly changed.

During hearings held in October 1975, by the Subcommittees on Reports, Accounting and Management and Oversight Procedures of the Senate Committee on Government Operations, Senator Nunn testified that the amount of paper flowing into the government each year fills four and a half million cubic feet of space and that the costs to the taxpayer of handling and managing such a mountain of paper exceed \$8 billion a year.

On July 11, 1975, the House Government Operations Subcommittee on Government Activities and Transportation held hearings on the Federal Records Management Program. Testimony was received from the General Accounting Office.

Major witnesses from the General Services Administration included Dr. James B. Rhoads, Archivist of the United States and Norman S. Peterson, Director, Program Implementation Division, Office of Records Management. Dr. Rhoads stated that :

A new Records Management Act is needed so that internal paperwork processing within Federal departments and agencies will be carried out more effectively and more efficiently. The Congress, in reporting on the government's paperwork burden in connection with the bill establishing the Federal Paperwork Commission (93rd Cong., 2d session, S. Rept. 93-1323, Dec. 11, 1974) estimates internal government paperwork processing costs at \$18 billion a year.

Also that the legislation would provide a clear expression of Congressional intent to the heads of Federal departments and agencies on the necessity to place more emphasis on records management programs aimed at providing essential, accurate recorded information in the needed format and time frame to enable agencies to perform their functions effectively and efficiently. Also, he stated, "it would strengthen the National Archives and Records Service (NARS) in furnishing records management leadership and guidance to Federal agencies in obtaining greater agency compliance with its regulations, standards, and guidelines directed at improving internal government paperwork.

The GAO, in its testimony before the House Subcommittee recalled before the Subcommittee, its August 1973 report in which it concluded that NARS must assume a stronger role in bringing out satisfactory records management in the Federal government.

On September 13, 1976, Mr. Jack Eckerd, Administrator of the General Services Administration, testified before the Senate Government Operations Committee on H.R. 13828. During his testimony, strong support by GSA was given for the legislation. Mr. Eckerd cited: "Just the 1-percent increase in the efficiency in the Federal records management could result in a yearly savings of \$150 million in the handling of Federal paperwork." GAO has estimated that there is \$15 billion a year spent by the Federal government in the management of records.

On June 4, 1976, the Government Operations Subcommittee on Government Activities and Transportation of the House unanimously approved H.R. 13828 for full Committee action. On August 3, 1976,

the full House Government Operations Committee reported the bill favorably by voice vote. On August 24, 1976, the legislation passed the House by a vote of 394-0. On September 22, 1976, the Senate Committee on Government Operations by a voice vote ordered the legislation reported.

### III. DISCUSSION

Since nowhere in the present law is the coverage or scope of the Federal Records Management program fully delineated, four basic areas were studied to achieve the needed consolidation and modernization. They are definitions, records management objectives, general responsibilities of the Administrator of General Services (Administrator), and amendments. Each is discussed below.

#### A. DEFINITIONS

In the present 1950 Act only the definitions of "records", "records center" and "servicing" were established. Nowhere in the present law is the coverage or scope of a records management program defined. H.R. 13828 provides for a series of definitions which pinpoint the scope of a records management program and focuses on the complete life cycle of records from records creation, to records maintenance and use, to records disposition.

"Records creation" means the production or reproduction of any record. "Records management" is defined to mean the planning, controlling, directing, organizing, training, promoting and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition. It includes the storage, retrieval and handling of records by or for a Federal agency. "Records disposition" includes the disposal by destruction or donation of temporary records no longer necessary for the conduct of business and the transfer of records to Federal storage facilities, to the National Archives or from one Federal agency to another.

#### B. OBJECTIVES OF RECORDS MANAGEMENT

The need to set forth the objectives of the Federal Records Management program has resulted from the accelerated growth of the records cycle in the Federal government. One purpose of H.R. 13828 is to require the establishment of standards and procedures to assure efficient and effective records management. The following goals should be implemented accordingly:

- (1) Accurate and complete documentation of the policies and transactions of the Federal Government.
- (2) Control of the quantity and quality of records produced by the Federal Government.
- (3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of the agency.
- (4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.
- (5) Judicious preservation and disposal of records.

(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(7) Establishment and maintenance of such other systems or techniques as the Administrator considers necessary to carry out the purpose of (the program).

### C. GENERAL RESPONSIBILITIES OF THE ADMINISTRATOR

Mr. Rhoads' testimony stated that as a result of the present law not clearly stating agency responsibilities, some agency programs are limited to only certain areas, such as records maintenance and disposition. They do not cover the management of the full life cycle of recorded information from its creation to its ultimate disposition, nor reflect adequately the new records production techniques. H.R. 13828 more aptly expands and further clarifies the role of the Administrator with respect to records creation, maintenance and use, and records disposition. The Administrator has the responsibility to:

(1) promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management;

(2) promulgate standards, procedures, and guidelines with respect to records management and records management studies;

(3) conduct research with respect to the improvement of records management practices and programs;

(4) serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management;

(5) establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

(6) disseminate information with respect to technological development in records management;

(7) direct the continuing attention of Federal agencies and the Congress on the burden placed on the Federal Government by unnecessary paperwork, and on the need for adequate policies governing records creation, maintenance and use, and disposition;

(8) conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management, with particular attention.

(9) conduct inspections of records management and studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between Federal agencies with respect to records and records management; and

(10) report to the Congress and to the Director of the Office of Management and Budget each year and at other appropriate times, on the results of the foregoing activities, including evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by him.

## D. AMENDMENTS

Section 2906 of H.R. 13828, as passed by the House, would permit the Administrator of General Services or his designee to inspect the records of any Federal agency and make inspections of the records management practices and programs in such agencies. Agency officials and employees of such agencies are required to give the GSA Administrator or designee full cooperation. Records which are restricted by law or for reasons of national security or the public interest would be inspected in accordance with GSA regulations, subject to the particular agency head's approval or of the President. Section 2906 of H.R. 13828 amended Section 2906 of Title 44 in a slight manner. Aside from some technical changes, the only substantive change in the House-passed bill, was to permit the President, as well as the agency head, to allow for the inspection of an agency's records when the use of such record is restricted by law or for reasons of national security or the public interest. Neither the 1950 Act nor section 2906, as amended, contained provisions for the prevention of misuse of information maintained in a record by an agency and subject to inspection by GSA or for the prevention of misuse of personal information which would be an invasion of an individual's privacy.

Although the new Section 2906 was not changed in substance from the earlier 1950 Act, the Senate Committee felt it important to look at such a provision in light of changing views regarding the protection of personal information maintained by government agencies. The amendment, approved by the Committee by voice vote, would clarify that the GSA's purpose in inspecting agencies' records is for the sole determination of records management practices and programs. Information obtained from any such inspection shall, where practicable, be destroyed or returned to such agency or to the person from whom such records were obtained. Any knowing and willful disclosure of personal information which would constitute a clearly unwarranted invasion of personal privacy or the use of any information obtained pursuant to Section 2906 by a GSA official for any purpose other than for the inspection of records management practices or programs would constitute a misdemeanor or a fine of not more than \$5,000.

The Committee desired to reiterate its position that the GSA Administrator or his designee would have the authority to inspect records in order to make recommendations for improving records management practices and programs. At the same time, the Committee intended to make it clear that protections contained in the Privacy Act of 1974 regarding the disclosure of personal information apply to such activities of GSA.

Due to the large and broad mandate given to the GSA to inspect the records of other Federal agencies and the requirement that such agencies give the GSA full cooperation in such inspections, it was felt that strong protection be provided for the protection of the personal information maintained about citizens which might be kept in certain government files.

Usually, GSA-NARS inspections are directed to the "programming" efficiencies (or lack of it) in managing records. Thus, their scanning of files as such, is confined to arrangement, response efficiency and disposition when the active life of a record is complete. The Com-

mittee, however, felt that in those few instances, when records might be more thoroughly inspected, the protection of confidentiality of personal information should be especially safeguarded.

Although it was not considered necessary to rewrite the records management law completely, there was need for a variety of technical and conforming amendments in order to assure the legislation would represent a fully accurate and integral whole. These minor changes are covered in the section-by-section analysis.

#### COST ESTIMATE

There is no anticipated cost for this legislation. In fact, the bill is intended to result in significant savings. If the total annual cost of Federal paperwork were reduced by only 1 percent, as the legislation projects, savings of \$150 million could be achieved, based on GAO's estimate of costs of \$15 billion a year.

#### IV. SECTION-BY-SECTION ANALYSIS

##### *Section 1—Short title*

This act is cited as the "Federal Records Management Amendments of 1976."

##### *Section 2—Amendment of chapter 29, title 44, United States Code*

(a) This subsection amends chapter 29 of title 44 of the United States Code to clarify, update, and supplement present law with regard to program coverage, scope, and responsibilities, and to provide necessary statutory authority for administrative changes in the operation of the Federal records management program.

##### *(1) Definitions and objectives of records management*

This paragraph strikes section 2901, "Definitions," and 2902, "Records management, surveys, and reports," and inserts new sections 2901, "Definitions," and 2902, "Objectives of records management." The new definitions section amends existing definitions and adds new definitions as detailed to provide a clear statement of the scope of the records management program and provide the necessary flexibility to accommodate rapid advances in records management technology and administration.

(a) "Records management" means the activities necessary to create, maintain and use, and dispose of Federal records. This new definition is structured to encompass new records management technologies that may develop. Currently, it includes management of correspondence, forms, directives, reports, machine-readable records, microforms, information retrieval, files, mail, vital records, records equipment and supplies, office copiers, word processing and other source data automation techniques, records preservation, records disposal, and records centers or other storage facilities.

(b) "Records creation" is the production or reproduction of any record which is defined in section 3301 of Title 44.

(c) "Records maintenance and use" means any activity involving the location of records; the storage, retrieval, and handling of records filed in offices; the processing of mail; and the selection and utiliza-

tion of equipment and supplies associated with records and copying. Emphasis is placed on records and copies because copy management has become increasingly important, mainly because of the proliferation of equipment, and must be carefully addressed in a successful records management program.

(d) "Records disposition" is defined to include any activity with respect to disposal of temporary records by destruction or donation; transfer of records to records centers; transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or transfer of records between Federal agencies.

(e) "Records management study" is an investigation and analysis of any Federal agency's records, or records management practices, usually at their request, for the purpose of developing findings and recommendations for improved agency records management programs.

(f) "Inspection" is the review by the Administrator or his designee of any Federal agency's records or records management practices or programs for effectiveness and compliance with records management laws and includes the necessary recommendations for correcting and improving their records management practices.

(g) The definitions of "records", "records center", "servicing", "unauthenticated copies", "National Archives of the United States", "Administrator", "executive agency", and "Federal agency" are either the same or virtually the same as existing law.

The new section 2902, "Objectives of Records Management", is a concise statement of the goals of the Federal records management program, and declares as its purpose the requirement to establish standards and procedures to assure efficient and effective records management. These seven specific goals include accurate and complete documentation of the policies and transactions of the Federal Government; control of quantity and quality of records; control with respect to records creation; simplification of records creation, maintenance and use activities, systems, and processes; judicious preservation and disposal of records; direction of attention to records from initial creation to final disposition; and establishment of other systems as required.

The present law does not clearly state the results expected from the records management program. Consequently, some agency programs are limited to records maintenance and disposition and do not cover the full life cycle of recorded information from its creation to ultimate disposition. The records creation area, where 80 percent of total costs are incurred, often receives little attention, and the benefits of new record-producing techniques are not achieved. The emphasis on specific objectives in the new section 2902 is designed to correct this deficiency. The former section 2902 (dealing with records management, surveys, and reports) has been revised, clarified, and included as part of the responsibilities of the Administrator in the new section 2904.

#### *(2) General Responsibilities of the Administrator*

This paragraph strikes out section 2904, "Records management by Administrator; duties general," and inserts in lieu thereof a new section 2904, "General Responsibilities of the Administrator", which provides a clearer statement of the Administrator's responsibilities and, when combined with the new definitions in section 2901 and new



objectives in section 2902, helps clarify program coverage, scope, and responsibilities. It directs the Administrator to provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. Specific responsibilities include promoting economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management; promulgating standards, procedures, and guidelines; conducting research to improve records management practices and programs; serving as a clearinghouse for records management information; establishing interagency committees as may be necessary; and disseminating information with respect to technological developments.

Of particular significance are the new responsibilities. The Administrator is to direct the continuing attention of Federal agencies and the Congress to the burden placed on the Federal Government by unnecessary paperwork, and to the need for adequate policies governing records creation, maintenance and use, and disposition. The emphasis is on *continuing attention*. While one-time or special paperwork reduction campaigns are effective, there is a definite need for a systematic approach. The Administrator is also responsible for conducting records management studies in agencies, and may at his discretion designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management. This ability to involve other agencies rather than independently conducting all studies will be of great benefit because some records management problems are better addressed by the specific agency concerned. Another new responsibility involves the conduct of inspections or records management studies which concern the review of the programs and practices of more than one Federal agency. Such inspections are of increasing importance because of the proliferation of Government-wide programs and provide the only means to examine the interactions and relationships among Federal agencies with respect to records and records management. Finally, the Administrator's responsibility to report to Congress and the Director of the Office of Management and Budget is more clearly defined. His reports each year on records management activities are to include evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted. This will permit the Congress and OMB to check on the status of records management activities on a continuing basis as well as evaluate the effectiveness of the total program.

(3) *Inspection of Agency Records and Records Centers and Centralized Microfilming Services.*

This paragraph strikes out sections 2906, "Personal inspection and survey of records", and 2907, "Records centers for storage, process, and servicing of records", and inserts new sections 2906, "Inspection of agency records", and 2907, "Records centers and centralized microfilming services."

The new section 2906 "Inspection of Agency Records", as amended by the Committee, provides that the Administrator of General Services or his designee may inspect or use the records of any Federal agency for the sole purpose of determining the records management practices and programs in such agencies, and upon completion of

such purpose, any information obtained from such inspection shall, where practicable, be destroyed or returned to such agency or to the person from whom such records were obtained. In cases where the use of records is restricted by law, or for reasons of national security or the public interest, records are to be inspected in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the agency concerned or the President. By adding the phrase "or by the President", the statute provides for a clearly defined process in those instances where the Administrator and the agency head cannot agree on inspection procedures.

The section, as amended by the Committee, would provide for a civil penalty of a misdemeanor and a fine of not more than \$5,000 if the Administrator or his designee knowingly and willfully publishes, communicates or uses any information coming into the possession of the Administrator or designee because of an inspection in such a manner which would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or if any information is used for a purpose other than for the inspection of records management practices or programs.

The new section 2907, "Records centers and centralized microfilming services", provides the authority to establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.

*(4) Deletion of 44 U.S.C. 2910*

This paragraph strikes out sections 2910, "Final Authority of Administrator in records practices", which provided specific authority for the Administrator in matters involving the conduct of surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, and the implementation of recommendations resulting from the surveys. This section can now be deleted because the authority of the Administrator is stated clearly in the new section 2904, "General responsibilities of the Administrator."

*Section 2(b)*

This subsection amends the table of sections in Chapter 29, title 44, United States Code, to provide for the new section titles.

*Section 3—Amendment of Chapter 31, Title 44, United States Code*

*Section 3(a)*

This subsection, in addition to providing for several technical and conforming amendments in Chapter 31 regarding references to other sections and the proper use of terms as defined in the new section 2910, strikes out section 3103, "Storage, processing and servicing of records", and inserts a new section 3103, "Transfer of records to records centers." The new section simply states that when the head of a Federal agency determines that such action may effect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center.

*Section 3(b)*

This subsection amends the table of sections in Chapter 31 of Title 44, United States Code, to provide for a new section title for section 3103.

*Section 4—Technical and Conforming Amendments*

This section corrects references in section 2103(4), 2108(b) and (c), 2111(b), and 2112; amends the item in the table of sections which relates to section 3302 and reads "Regulations covering list of records for disposal, procedure for disposal, and standards for reproduction; approval by President", by striking "approval by President", since the Administrator now has full authority in this respect; and amends section 3301, "Definition of records", by inserting the phrase "machine-readable materials" in the definition.

*Section 5—Effect on Other Laws*

Section 5 makes it clear that the provisions of the Act do not limit or repeal additional authorities provided by statute or otherwise recognized by law; nor do they limit or repeal the authority or responsibilities of the Joint Committee on Printing or the Government Printing Office under Chapters 1 through 19 of title 44, United States Code. This was included to insure that records management responsibilities pertaining to reproduction and copying of records shall pertain only to improving records management practices and not to the reproduction, copying, and related responsibilities of the Joint Committee on Printing or the Government Printing Office.

V. STATEMENT PURSUANT TO CLAUSE 3 OF RULE XIII

Changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

TITLE 44, UNITED STATES CODE

\* \* \* \* \*

Chapter 21.—ARCHIVAL ADMINISTRATION

\* \* \* \* \*

§ 2103. Acceptance of records for historical preservation.

When it appears to the Administrator of General Services to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency or of the Congress determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have been in existence for more than fifty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certifies in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records deposited or approved for deposit with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Administrator by section [3106] 2107 of this title.

**§ 2108. Presidential archival depository.**

(a) \* \* \*

(b) When the Administrator considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section [3106] 2107 of this title, or Federal records appropriate for preservation.

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section [3106] 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository.

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**§ 2111. Reports; correction of violations.**

(a) When the Administrator of General Services considers it necessary, he may obtain reports from Federal agencies on their activities under chapters 21, 25, 27, 29, 31, and 33 of this title.

(b) When the Administrator finds that a provision of chapter 21, 25, 27, 29, [or] 31, or 33 of this title has been or is being violated, he shall inform in writing the head of the agency concerned of the violation and make recommendations for its correction. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report of the matter to the President and the Congress.

**§ 2112. Legal status of reproductions; official seal; fees for copies and reproductions.**

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or

other processes, in accordance with standards established by the Administrator of General Services the indefinite retention by the photographic, microphotographic, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapters 21, 29, [and] 31, and 33 of this title, shall have the same legal status as the originals.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When a copy or reproduction, furnished under this section, is authenticated by the official seal and certified by the Administrator, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. Fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. He may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government. Reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

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## Chapter 29.—RECORDS MANAGEMENT BY ADMINISTRATOR OF GENERAL SERVICES

Sec.

- 2901. Definitions.
- [2902. Records management, surveys, and reports.]
- 2902. *Objectives of records management.*
- 2903. Custody and control of property.
- [2904. Records management by Administrator; duties generally.]
- 2904. *General responsibilities of Administrator.*
- 2905. Establishment of standards for selective retention of records; security measures.
- [2906. Personal inspection and survey of records.]
- 2906. *Inspection of agency records.*
- 2907. Records centers [for storage, process, and servicing of records] and centralized microfilming services.
- 2908. Regulations.
- 2909. [Retentions] *Retention of records.*
- [2910. Final authority of Administrator in records practices.]

### [§ 2901. Definitions.

[As used in chapters 25 and 27, sections 2901, 2903–2910, chapter 31, and sections 2101–2115 of this title—

["records" has the meaning given by section 3301 of this title;  
 ["records center" means an establishment maintained by the Administrator of General Services or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

["servicing" means making available for use information in records and other materials in the custody of the Administrator—

[(1) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to

agencies of the Government for official use, and to the public;  
and

[(2) by making and furnishing authenticated or unauthenticated copies or reproductions of the records and other materials;

["National Archives of the United States" means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

["unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence.]

#### [2902. Records management, surveys, and reports.

[The Administrator of General Services may—

[(1) make surveys of Government records and records management and disposal practices and obtain reports on them from Federal agencies;

[(2) promote, in cooperation with the executive agencies, improved records management practices and controls in agencies, including the central storage or disposition of records not needed by agencies for their current use; and

[(3) report to the Congress and the Director of the Bureau of the Budget from time to time the results of these activities.]

#### § 2901. Definitions.

*As used in this chapter, and chapters 21, 25, 27, 31, and 33 of this title—*

(1) *the term "records" has the meaning given it by section 3301 of this title;*

(2) *the term "records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition;*

(3) *the term "records creation" means the production or reproduction of any record;*

(4) *the term "records maintenance and use" means any activity involving—*

(A) *location of records of a Federal agency;*

(B) *storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;*

(C) *processing of mail by a Federal agency; or*

(D) *selection and utilization of equipment and supplies associated with records and copying;*

(5) *the term "records disposition" means any activity with respect to—*

(A) *disposal of temporary records no longer necessary for the conduct of business by destruction or donation;*

(B) *transfer of records to Federal agency storage facilities or records centers;*

(C) *transfer to the National Archives of the United States*

of records determined to have sufficient historical or other value to warrant continued preservation; or

(D) transfer of records from one Federal agency to any other Federal agency;

(6) the term "records center" means an establishment maintained and operated by the Administrator or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

(7) the term "records management study" means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

(8) the term "inspection" means reviewing any Federal agency's records or records management practices or programs (whether manual or automated) with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

(9) the term "servicing" means making available for use information in records and other materials in the custody of the Administrator, or in a records center—

(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public; or

(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

(10) the term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified evidence;

(11) the term "National Archives of the United States" means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Administrator for deposit in his custody;

(12) the term "Administrator" means the Administrator of General Services;

(13) the terms "executive agency" and "Federal agency" shall have the meanings given such terms by subsections (a) and (b), respectively, of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 (a) and (b)).

### **§ 2902. Objectives of records management.**

It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

(1) Accurate and complete documentation of the policies and transactions of the Federal Government.

(2) *Control of the quantity and quality of records produced by the Federal Government.*

(3) *Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency.*

(4) *Simplification of the activities, systems, and processes of records creation and of records maintenance and use.*

(5) *Judicious preservation and disposal of records.*

(6) *Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.*

(7) *Establishment and maintenance of such other systems or techniques as the Administrator considers necessary to carry out the purposes of this chapter, and the chapters 21, 31, and 33 of this title.*

**§ 2904. Records management by Administrator; duties generally.**

【The Administrator of General Services shall provide for the economical and efficient management of records of Federal agencies by—

【(1) analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and

【(2) promoting the efficient and economical utilization of space, equipment, and supplies needed to create, maintain, store, and service records.】

**§ 2904. General responsibilities of Administrator.**

*The Administrator shall provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. In providing such guidance and assistance, the Administrator shall have responsibility to—*

(1) *promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management;*

(2) *promulgate standards, procedures, and guidelines with respect to records management and records management studies;*

(3) *conduct research with respect to the improvement of records management practices and programs;*

(4) *serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management;*

(5) *establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;*

(6) *disseminate information with respect to technological development in records management;*

(7) *direct the continuing attention of Federal agencies and the Congress on the burden placed on the Federal Government by unnecessary paperwork, and on the need for adequate policies governing records creation, maintenance and use, and disposition;*



(8) *conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management, with particular attention given to standards and procedures governing records creation;*

(9) *conduct inspections or records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between Federal agencies with respect to records and records management; and*

(10) *report to the Congress and to the Director of the Office of Management and Budget each year, at such time or times as he may deem desirable, on the results of the foregoing activities, including evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by him.*

\* \* \* \* \*

**§ 2906. Personal inspection and survey of records.**

[The Administrator of General Services may inspect or survey personally or by deputy the records of any Federal agency, and make surveys of records management and records disposal practices in agencies. Officials and employees of agencies shall give him full cooperation in inspections and surveys. Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulation promulgated by the Administrator, subject to the approval of the head of the custodial agency.]

**§ 2907. Records centers for storage, process, and servicing of records.**

[The Administrator of General Services may establish, maintain, and operate—

[(1) records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and

[(2) centralized microfilming services for Federal agencies.]

**§ 2906. Inspection of agency records.**

(a) *The Administrator of General Services or his designee may inspect or use the records of any Federal agency for the sole purpose of determining the records management practices and programs in such agencies, and upon completion of such purpose, any information obtained from such inspection shall, where practicable, be destroyed or returned to such agency or to the person from whom such records were obtained. Officials and employees of such agencies shall give him full cooperation in such inspections. Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the agency concerned or of the President.*

(b) If the Administrator of General Services or his designee knowingly and willfully publishes, communicates or uses any information coming into the possession of such Administrator or designee by reason of any inspection or use conducted as provided in subsection (a):

(1) in such a manner as to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

(2) for any purpose other than for the inspection of records management practices or programs, he shall be guilty of a misdemeanor and fined not more than \$5,000.

**§ 2907. Records centers and centralized microfilming services.**

The Administrator may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.

**§ 2910. Final authority of Administrator in records practices.**

[The Administrator of General Services shall have final authority in matters involving the conduct of surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, under sections 2904-2909 and 3101-3107 of this title, and the implementation of recommendation based on surveys.]

**Chapter 31.—RECORDS MANAGEMENT BY FEDERAL AGENCIES**

Sec.

3101. Records management by agency heads; general duties.

3102. Establishment of program of management.

**§ 3103. Storage, processing, and servicing of records.]**

3103. *Transfer of records to records centers.*

3104. Certifications and determinations on transferred records.

3105. Safeguards.

3106. Unlawful removal, destruction of records.

3107. Authority of Comptroller General.

**§ 3102. Establishment of program of management.**

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

(1) effective controls over the creation [maintenance] and over the maintenance and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101-2113, 2501-2507, 2701, [2901, 2903-2909] 2901-2909, and 3101-3107, of this title and the regulations issued under them.

**§ 3103. [Storage, processing, and servicing of records.] Transfer of records to records centers.**

When the head of a Federal agency determines that [it] such action may effect substantial economies or increased operating efficiency, he

shall provide for [appropriate storage, processing, and servicing of records in a] *the transfer of records to a records center maintained and operated by the Administrator [or General Services or], or, when approved by [him, in] the Administrator, to a center maintained and operated by the head of the Federal agency.*

\* \* \* \* \*

**§ 3107. Authority of Comptroller General.**

[Sections 2101-2113, 2501-2507, 2701, 2901, 2904-2910, and 3101-3107, of this] *Chapters 21, 25, 27, 29, and 31 of this title do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.*

**Chapter 33.—DISPOSAL OF RECORDS**

Sec.

3301. Definition of records.

3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction [; approval by President].

\* \* \* \* \*

**§ 3301. Definition of records.**

As used in this chapter, "records" includes all books, paper, maps, photographs, *machine readable materials*, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

**§ 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction [; approval by President].**

The Administrator of General Services shall promulgate regulations, not inconsistent with this chapter, establishing—

- (1) procedures for the compiling and submitting to him of lists and schedules of records proposed for disposal,
- (2) procedures for the disposal of records authorized for disposal, and
- (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records.



[PUBLIC LAW 754—81ST CONGRESS]

[CHAPTER 849—2D SESSION]

[S. 3959]

AN ACT

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the parenthetical expression appearing in clause (1) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949 (Public Law 152, Eighty-first Congress) is amended to read as follows:

“(including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents).”

SEC. 2. (a) Clause (2) of the final sentence of subsection (a) of section 109 of the Federal Property and Administrative Services Act of 1949, as hereinbefore amended, is amended to read as follows: “(2) for paying the purchase price, transportation to first storage point of supplies and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.”

(b) The third sentence of subsection (b) of section 109 of such Act is amended to read as follows: “On and after such date, such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost to first storage point, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies.”

(c) The amendments made by this section shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.

SEC. 3. (a) The final sentence of subsection (b) of section 109 of the Federal Property and Administrative Services Act of 1949 is amended to read as follows: “Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for supplies or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by

the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices."

(b) Section 109 of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new subsection:

"(g) Whenever any producer or vendor shall tender any article or commodity for sale to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this Act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe to determine whether such article or commodity conforms to prescribed specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such cost, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the General Supply Fund to be used for any purpose authorized by subsection 109 (a) of this Act."

SEC. 4. Paragraphs (1) and (2) of section 203 (j) of the Federal Property and Administrative Services Act of 1949 are amended to read as follows:

"(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate for educational purposes or public health purposes, including research, in the States, Territories, and possessions without cost (except for costs of care and handling) such equipment, materials, books, or other supplies under the control of any executive agency as shall have been determined to be surplus property and which shall have been determined under paragraph (2) or paragraph (3) of this subsection to be usable and necessary for educational purposes or public health purposes, including research.

"(2) Determination whether such surplus property (except surplus property donated in conformity with paragraph (3) of this subsection) is usable and necessary for educational purposes or public health purposes, including research, shall be made by the Federal Security Administrator, who shall allocate such property on the basis of needs and utilization for transfer by the Administrator of General Services to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities, and to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or to State departments of education or health for distribution to such tax-supported and nonprofit medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities; except that

in any State where another agency is designated by State law for such purpose such transfer shall be made to said agency for such distribution within the State."

SEC. 5. The Federal Property and Administrative Services Act of 1949 is amended by--

(a) redesignating section 210 thereof as section 212, and wherever such section number appears in such Act as originally enacted, it is amended to conform to the redesignation prescribed by this subsection;

(b) inserting in the table of contents appearing in the first section of such Act, immediately after the line in which "Sec. 209." appears, the following:

"Sec. 210. Operation of buildings and related activities.

"Sec. 211. Motor vehicle identification."

(c) inserting, immediately after section 209 thereof, the following new sections:

"OPERATION OF BUILDINGS AND RELATED ACTIVITIES

"SEC. 210. (a) Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him--

"(1) to purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing;

"(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

"(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

"(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

"(5) without regard to the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

"(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

"(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

"(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements. A copy of every such determination so made shall be furnished to the General Accounting Office;

"(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

"(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948, or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

"(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties; and

"(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein.

"(b) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

"(c) At the request of any Federal agency or any mixed-ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, the Administrator is hereby authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and

to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

“(d) Whenever the Director of the Bureau of the Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

“(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

“(2) of any building located in any foreign country;

“(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

“(4) of any building which the Director of the Bureau of the Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

“(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

“(e) Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 205 (a) and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

#### “MOTOR VEHICLE IDENTIFICATION

“SEC. 211. Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency



or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501–505, inclusive, of such Act, respectively, as sections 601–605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

"TITLE V—FEDERAL RECORDS

"Sec. 501. Short title.

"Sec. 502. Custody and control of property.

"Sec. 503. National Historical Publications Commission.

"Sec. 504. Federal Records Council.

"Sec. 505. Records management; the Administrator.

"Sec. 506. Records management; agency heads.

"Sec. 507. Archival administration.

"Sec. 508. Reports.

"Sec. 509. Legal status of reproductions.

"Sec. 510. Limitation on liability.

"Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

"CUSTODY AND CONTROL OF PROPERTY

"SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

"NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate desig-

nated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

“(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

“(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

“(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

## "FEDERAL RECORDS COUNCIL

"SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

## "RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of

records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

“(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

“(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### “RECORDS MANAGEMENT; AGENCY HEADS

“SEC. 505. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

“(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

“(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

“(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

“(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties

provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

"ARCHIVAL ADMINISTRATION

"SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without

the concurrence of the successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

“(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

“(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

“(e) The Administrator may accept for deposit—

“(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

“(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into

the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

"DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 208 (a) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:



“(32) the Act entitled ‘An Act to establish a National Archives of the United States Government, and for other purposes’, approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

“(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77).”

(e) amending subsection 602 (b) and (c) thereof to read as follows:

“(b) There are hereby superseded--

“(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

“(2) sections 2 and 4 of the Act entitled ‘An Act to provide for the disposal of certain records of the United States Government’, approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

“(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841).”

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

“(17) the Central Intelligence Agency;

“(18) the Joint Committee on Printing, under the Act entitled ‘An Act providing for the public printing and binding and the distribution of public documents’ approved January 12, 1895 (28 Stat. 601), as amended or any other Act; or

“(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act.”

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: “including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.”

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

“(b) The term ‘Federal agency’ means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).”

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression “or the Senate, or the House of Representatives.”

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof

as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "title" and inserting in lieu thereof the word "Act".

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal Agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

Approved September 5, 1950.

or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

Sec. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501-505, inclusive, of such Act, respectively, as sections 601-605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

"TITLE V—FEDERAL RECORDS

- "Sec. 501. Short title.
- "Sec. 502. Custody and control of property.
- "Sec. 503. National Historical Publications Commission.
- "Sec. 504. Federal Records Council.
- "Sec. 505. Records management; the Administrator.
- "Sec. 506. Records management; agency heads.
- "Sec. 507. Archival administration.
- "Sec. 508. Reports.
- "Sec. 509. Legal status of reproductions.
- "Sec. 510. Limitation on liability.
- "Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"Sec. 501. This title may be cited as the 'Federal Records Act of 1950'.

"CUSTODY AND CONTROL OF PROPERTY

"Sec. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

"NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"Sec. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate design-

nated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

"(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

"(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

"(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

## "FEDERAL RECORDS COUNCIL

"Sec. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

## "RECORDS MANAGEMENT; THE ADMINISTRATOR

"Sec. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

"(b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody: and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of

records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

#### "RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 503. (a) The head of each Federal agency shall cause to be made and preserved records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties

provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

#### "ARCHIVAL ADMINISTRATION

"SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without

the concurrence of the successor in function, if any, of such agency head): *Provided, however,* That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further,* That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided,* That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further,* That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.



"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

#### "REPORTS

"SEC. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 334).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

#### "LEGAL STATUS OF REPRODUCTIONS

"SEC. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

#### "LIMITATION ON LIABILITY

"SEC. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into

the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

"DEFINITIONS

"SEC. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) The term 'unauthenticated copies' means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended—

(a) striking out the word "and" preceding "(2)" in subsection (d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 203 (a) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 203 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

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"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1951 (38 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300a-1e); and

"(33) section 4 of the Act of February 3, 1905 (33 Stat. 657, as amended; 5 U. S. C. 77)."

(c) amending subsection 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 351, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

"(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 347; 31 U. S. C. 821)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives."

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof

as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "title" and inserting in lieu thereof the word "Act".

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal Agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 206 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

Approved September 5, 1950.