

Union Calendar No. 402

98TH CONGRESS
2D SESSION

H. R. 3987

[Report No. 98-707]

To improve the preservation and management of Federal records, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1983

Mr. BROOKS (for himself and Mr. ENGLISH) introduced the following bill; which was referred to the Committee on Government Operations

APRIL 25, 1984

Additional sponsors: Mr. PICKLE, Mr. OWENS, Mr. SIMON, Mr. KOGOVSEK, Mr. MACKEY, Mr. McNULTY, Mr. CONABLE, Mr. WEISS, Mr. BARNARD, Mr. ANDREWS of Texas, Mr. GINGRICH, Mr. KOSTMAYER, Mr. RAHALL, Mr. NICHOLS, Mr. SYNAR, Mr. FUQUA, Mr. NEAL, Mr. FRANK, Mr. WISE, Mrs. BOXER, Mr. TOWNS, Mr. KOLTER, Mr. ERDREICH, Mr. HORTON, Mr. CLINGER, Mr. WATKINS, Mr. DOWDY of Mississippi, Mr. SISISKY, Mr. EDGAR, Mr. GRAY, Mr. CHAPPIE, Mr. BEVILL, Mr. SHARP, Mr. YOUNG of Alaska, Mr. VANDERGRIFF, Mr. DORGAN, Mr. MITCHELL, Mr. LONG of Maryland, Mr. SHELBY, Mr. MOLLOHAN, Mr. LUNDINE, Mr. EDWARDS of Alabama, Mr. KASTENMEIER, Mr. PRITCHARD, Mr. FISH, Mr. DOWNEY of New York, Mr. WHITEHURST, Mr. PERKINS, Mr. HUCKABY, Mr. HATCHER, Mr. UDALL, Mr. DICKINSON, Mr. MCKINNEY, Mrs. JOHNSON, Mr. FRANKLIN, Mr. NIELSON of Utah, Mr. BONER of Tennessee, Mr. QUILLEN, Ms. FERRARO, Mr. HOPKINS, Mrs. MARTIN of Illinois, Mr. MORRISON of Washington, Mr. FLIPPO, Mr. WHITTEN, Mr. SAWYER, and Mr. BURTON of Indiana

APRIL 25, 1984

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 27, 1983]

1 (2) by inserting after section 2102 the following
2 new sections:

3 **“§ 2103. Officers**

4 “(a) The Archivist of the United States shall be ap-
5 pointed by the President by and with the advice and consent
6 of the Senate. The Archivist shall be appointed without
7 regard to political affiliations and solely on the basis of the
8 professional qualifications required to perform the duties and
9 responsibilities of the office of Archivist. The Archivist may
10 be removed from office by the President. The President shall
11 communicate the reasons for any such removal to each House
12 of the Congress.

13 “(b) The Archivist shall be compensated at the rate pro-
14 vided for level III of the Executive Schedule under section
15 5314 of title 5.

16 “(c) There shall be in the Administration a Deputy Ar-
17 chivist of the United States, who shall be appointed by and
18 who shall serve at the pleasure of the Archivist. The Deputy
19 Archivist shall be established as a career reserved position in
20 the Senior Executive Service within the meaning of section
21 3132(a)(8) of title 5. The Deputy Archivist shall perform
22 such functions as the Archivist shall designate. During any
23 absence or disability of the Archivist, the Deputy Archivist
24 shall act as Archivist. In the event of a vacancy in the office

1 *of the Archivist, the Deputy Archivist shall act as Archivist*
2 *until an Archivist is appointed under subsection (a).*

3 ***“§ 2104. Administrative provisions***

4 *“(a) The Archivist shall prescribe such policies, stand-*
5 *ards, criteria, procedures, rules, and regulations as the Archi-*
6 *vist finds necessary or appropriate to carry out the functions*
7 *of the Administration. The head of each Federal agency shall*
8 *issue such orders and directives as may be necessary to con-*
9 *form the activities of the agency with the policies, standards,*
10 *criteria, procedures, rules, and regulations prescribed by the*
11 *Archivist.*

12 *“(b) Except as otherwise expressly provided by law, the*
13 *Archivist may delegate functions to designated officers and*
14 *employees of the Administration, and may authorize such*
15 *successive redelegations of such functions as the Archivist*
16 *may deem to be necessary or appropriate. A delegation of*
17 *functions by the Archivist shall not relieve the Archivist of*
18 *responsibility for the administration of such functions.*

19 *“(c) The Archivist is authorized to establish, maintain,*
20 *alter, or discontinue such regional, local, or other field offices*
21 *as the Archivist finds necessary or appropriate to perform the*
22 *functions of the Archivist or the Administration.*

23 *“(d) The Archivist may establish advisory committees to*
24 *advise him with respect to any function of the Archivist or*
25 *the Administration. Members of any such committee shall*

1 *serve without compensation but shall be entitled to transpor-*
2 *tation expenses and per diem in lieu of subsistence in accord-*
3 *ance with section 5703 of title 5.*

4 “(e) *The Archivist shall advise and consult with inter-*
5 *ested Federal agencies with a view to obtaining their advice*
6 *and assistance in carrying out the purposes of this chapter.*

7 “(f) *Each Federal agency is required to furnish to the*
8 *Archivist, upon request, any information or other data which*
9 *the Archivist finds necessary to carry out the duties of the*
10 *Archivist.*

11 “(g) *If authorized by the Archivist, officers and employ-*
12 *ees of the Administration having investigatory functions are*
13 *empowered, while engaged in the performance of their duties*
14 *in conducting investigations, to administer oaths.*

15 “§ 2105. **Personnel and services**

16 “(a) *The Archivist is authorized to select, appoint,*
17 *employ, and fix the compensation of such officers and em-*
18 *ployees, pursuant to part III of title 5, as are necessary to*
19 *perform the functions of the Archivist and the Administra-*
20 *tion.*

21 “(b) *The Archivist is authorized to obtain the services of*
22 *experts and consultants under section 3109 of title 5.*

23 “(c) *Notwithstanding the provisions of section 973 of*
24 *title 10 or any other provision of law, the Archivist, in carry-*
25 *ing out the functions of the Archivist or the Administration,*

1 *is authorized to utilize in the Administration the services of*
2 *officials, officers, and other personnel in other Federal agen-*
3 *cies, including personnel of the armed services, with the con-*
4 *sent of the head of the agency concerned.*

5 *“(d) The Archivist is authorized to accept and utilize*
6 *voluntary and uncompensated services.*

7 **“§ 2106. Reports to Congress**

8 *“The Archivist shall submit to the Congress, in Janu-*
9 *ary of each year and at such other times as the Archivist*
10 *finds appropriate, a report concerning the administration of*
11 *functions of the Archivist and the Administration.”.*

12 *(b) Section 2101 of title 44, United States Code, is*
13 *amended—*

14 *(1) by designating the two indented paragraphs as*
15 *paragraphs (1) and (2), respectively;*

16 *(2) by striking out “sections 2103–2113 of this*
17 *title” in the matter preceding the first such paragraph*
18 *and inserting in lieu thereof “this chapter”;*

19 *(3) by striking out the period at the end and in-*
20 *serting in lieu thereof a semicolon; and*

21 *(4) by adding at the end thereof the following new*
22 *paragraphs:*

23 *“(3) ‘Archivist’ means the Archivist of the United*
24 *States appointed under section 2103;*

1 *eral Services Administration, proportionate to the percentage*
2 *of National Archives and Records Service employees in the*
3 *General Services Administration, is transferred to the Archi-*
4 *vist for appropriate allocation. Unexpended funds transferred*
5 *pursuant to this subsection shall be used only for the pur-*
6 *poses for which the funds were originally authorized and*
7 *appropriated.*

8 *(b) The transfer pursuant to this title of full-time per-*
9 *sonnel (except special Government employees) and part-time*
10 *personnel holding permanent positions shall not cause any*
11 *such employees to be separated or reduced in grade or com-*
12 *pensation for one year after such transfer or after the effective*
13 *date of this Act, whichever is later.*

14 **SAVINGS PROVISIONS**

15 *SEC. 105. (a) All orders, determinations, rules, regula-*
16 *tions, grants, contracts, agreements, permits, licenses, privi-*
17 *leges, and other actions which have been issued, granted,*
18 *made, undertaken, or entered into in the performance of any*
19 *function transferred by this Act or the amendments made by*
20 *this Act shall continue in effect according to their terms until*
21 *modified, terminated, superseded, set aside, or revoked in ac-*
22 *cordance with law by any authorized official, a court of com-*
23 *petent jurisdiction, or by operation of law.*

24 *(b)(1) The transfer of functions by this Act and by the*
25 *amendments made by this Act shall not affect any proceed-*

1 *ings, including notices of proposed rulemaking, or any appli-*
2 *cation for any license, permit, certificate, or financial assist-*
3 *ance pending on the effective date of this Act before the Gen-*
4 *eral Services Administration; but such proceedings and ap-*
5 *plications, to the extent that they relate to the functions so*
6 *transferred, shall be continued. Orders shall be issued in*
7 *such proceedings, appeals shall be taken therefrom, and pay-*
8 *ments shall be made pursuant to such orders, as if this Act*
9 *had not been enacted; and orders issued in any such proceed-*
10 *ings shall continue in effect until modified, terminated, su-*
11 *perseded, or revoked by the Archivist, by a court of competent*
12 *jurisdiction, or by operation of law. Nothing in this subsec-*
13 *tion shall be deemed to prohibit the discontinuance or modifi-*
14 *cation of any such proceeding under the same terms and con-*
15 *ditions and to the same extent that such proceeding could*
16 *have been discontinued or modified if this Act had not been*
17 *enacted.*

18 (2) *The Archivist is authorized to promulgate regula-*
19 *tions providing for the orderly transfer of proceedings contin-*
20 *ued under paragraph (1) from the General Services Admin-*
21 *istration to the Administration.*

22 (c) *Except as provided in subsection (e)—*

23 (1) *the provisions of this Act and of the amend-*
24 *ments made by this Act shall not affect actions com-*
25 *menced prior to the effective date of this Act, and*

1 (2) in all such actions, proceedings shall be had,
2 appeals taken, and judgments rendered in the same
3 manner and effect as if this Act had not been enacted.

4 (d) No action or other proceeding lawfully commenced
5 by or against any officer of the United States acting in his or
6 her official capacity shall abate by reason of any transfer of
7 functions by this Act or by an amendment made by this Act.
8 No cause of action by or against the General Services Ad-
9 ministration or by or against any officer thereof in the offi-
10 cial capacity of such officer shall abate by reason of any such
11 transfer of functions.

12 (e) If, before the date on which this Act takes effect, the
13 General Services Administration or any officer thereof in the
14 official capacity of such officer, is a party to an action, and
15 under this Act any function in connection with such action is
16 transferred to the Archivist or any other official of the Ad-
17 ministration, then such action shall be continued with the
18 Archivist or other appropriate official of the Administration
19 substituted or added as a party.

20 (f) Orders and actions of the Archivist in the exercise of
21 functions transferred by this Act or by amendments made by
22 this Act shall be subject to judicial review to the same extent
23 and in the same manner as if such orders and actions had
24 been by the individual holding the office of Archivist of the
25 United States on the day before the effective date of this Act

1 *or the Administrator of General Services in the exercise of*
2 *such functions immediately preceding their transfer. Any*
3 *statutory requirements relating to notice, hearings, action*
4 *upon the record, or administrative review that apply to any*
5 *function transferred by this Act or by any amendment made*
6 *by this Act shall apply to the exercise of such function by the*
7 *Archivist.*

8

REFERENCE

9 *SEC. 106. With respect to any functions transferred by*
10 *this Act or by an amendment made by this Act and exercised*
11 *after the effective date of this Act, reference in any other Fed-*
12 *eral law to the office of the Archivist of the United States as*
13 *in existence on the date before the effective date of this Act, or*
14 *the National Archives and Records Service of the General*
15 *Services Administration, or any office or officer thereof, shall*
16 *be deemed to refer to the Archivist or the Administration.*

17

CONFORMING AMENDMENTS

18 *SEC. 107. (a)(1) Section 2107 of title 44, United*
19 *States Code, as redesignated by section 102(a)(1), is*
20 *amended—*

21 *(A) by striking out “Administrator of General*
22 *Services” and inserting in lieu thereof “Archivist”;*

23 *(B) by striking out “Administrator” each place it*
24 *appears and inserting in lieu thereof “Archivist”; and*

1 (C) by striking out "section 2107" in paragraph
2 (4) and inserting in lieu thereof "section 2111".

3 (2) Section 2108 of such title, as redesignated by sec-
4 tion 102(a)(1), is amended—

5 (A) by striking out "the Administrator, the Archi-
6 vist of the United States, and to the employees of the
7 General Services Administration" in subsection (a)
8 and inserting in lieu thereof "the Archivist and to the
9 employees of the National Archives and Records
10 Administration";

11 (B) by striking out "and in consultation with the
12 Archivist of the United States" in such subsection;

13 (C) by striking out "the Archivist and" in the
14 fifth sentence of such subsection;

15 (D) by striking out "Administrator of General
16 Services" each place it appears and inserting in lieu
17 thereof "Archivist"; and

18 (E) by striking out "Administrator" each place it
19 appears and inserting in lieu thereof "Archivist".

20 (3) Section 2109 of such title, as redesignated by sec-
21 tion 102(a)(1), is amended—

22 (A) by striking out "Administrator of General
23 Services" and inserting in lieu thereof "Archivist";
24 and

1 (B) by inserting “and Records” immediately fol-
2 lowing “National Historical Publications”.

3 (4) Section 2110 of such title, as redesignated by sec-
4 tion 102(a)(1), is amended by striking out “Administrator of
5 General Services” and inserting in lieu thereof “Archivist”.

6 (5) Section 2111 of such title, as redesignated by sec-
7 tion 102(a)(1), is amended—

8 (A) by striking out “Administrator of General
9 Services” and inserting in lieu thereof “Archivist”;
10 and

11 (B) by striking out “Administrator” and insert-
12 ing in lieu thereof “Archivist”.

13 (6) Section 2112 of such title, as redesignated by sec-
14 tion 102(a)(1), is amended—

15 (A) by striking out “Administrator of General
16 Services” and inserting in lieu thereof “Archivist”;

17 (B) by striking out “Administrator” each place it
18 appears and inserting in lieu thereof “Archivist”; and

19 (C) by striking out “section 2107” each place it
20 appears and inserting in lieu thereof “section 2111”.

21 (7) Sections 2113, 2114, and 2117 of such title, as re-
22 designated by section 102(a)(1), are amended by striking out
23 “Administrator of General Services” and inserting in lieu
24 thereof “Archivist”.

1 (8) *Section 2115 of such title, as redesignated by sec-*
2 *tion 102(a)(1), is amended to read as follows:*

3 ***“§ 2115. Reports; correction of violations***

4 *“(a) In carrying out their respective duties and respon-*
5 *sibilities under chapters 21, 25, 29, 31, and 33 of this title,*
6 *the Archivist and the Administrator may each obtain reports*
7 *from Federal agencies on such agency’s activities under such*
8 *chapters.*

9 *“(b) When either the Archivist or the Administrator*
10 *finds that a provision of any such chapter has been or is*
11 *being violated, the Archivist or the Administrator shall (1)*
12 *inform in writing the head of the agency concerned of the*
13 *violation and make recommendations for its correction; and*
14 *(2) unless satisfactory corrective measures are inaugurated*
15 *within a reasonable time, submit a written report of the*
16 *matter to the President and the Congress.”.*

17 (9) *Section 2116 of such title, as redesignated by sec-*
18 *tion 102(a)(1), is amended—*

19 (A) *by striking out “Administrator of General*
20 *Services” and inserting in lieu thereof “Archivist”;*
21 *and*

22 (B) *by striking out “Administrator” and insert-*
23 *ing in lieu thereof “Archivist”.*

24 (10) *Section 2118 of such title, as redesignated by sec-*
25 *tion 102(a)(1), is amended by striking out “General Serv-*

1 *ices Administration*” and inserting in lieu thereof “National
2 *Archives and Records Administration*”.

3 (b)(1) Sections 710, 711, and 729 of title 44, United
4 States Code, are amended by striking out “Administrator of
5 General Services” each place it appears and inserting in lieu
6 thereof “Archivist of the United States”.

7 (2) Section 1502 of such title is amended by striking
8 out “Administrator of General Services” each place it ap-
9 pears and inserting in lieu thereof “Archivist of the United
10 States”.

11 (3) Section 1503 of such title is amended—

12 (A) by striking out “Administrator of General
13 Services” and inserting in lieu thereof “Archivist of
14 the United States”;

15 (B) by striking out “General Services Adminis-
16 tration” and inserting in lieu thereof “National Ar-
17 chives and Records Administration”; and

18 (C) by striking out “Administrator” and inserting
19 in lieu thereof “Archivist”.

20 (4) Section 1506 of such title is amended is amended by
21 striking out the third sentence.

22 (5) Section 1714 of such title is amended by striking
23 out “General Services Administration” and inserting in lieu
24 thereof “National Archives and Records Administration”.

1 (6) Sections 2204(c)(1) and 2205 of such title are
2 amended by striking out “National Archives and Records
3 Service of the General Services Administration” and insert-
4 ing in lieu thereof “National Archives and Records Adminis-
5 tration”.

6 (7) Section 2301 of such title is amended by striking
7 out the second sentence thereof.

8 (8) Section 2501 of such title is amended by striking
9 out the last sentence thereof.

10 (9) Section 2504 is amended—

11 (A) by striking out “Administrator of General
12 Services” in the third sentence of subsection (a) and
13 inserting in lieu thereof “Archivist of the United
14 States”;

15 (B) by striking out “Administrator” in the fourth
16 sentence of such subsection and inserting in lieu there-
17 of “Archivist”;

18 (C) by striking out “transmit to the Administra-
19 tor” in the last sentence of such subsection and insert-
20 ing in lieu thereof “make available to the public”; and

21 (D) by striking out “General Services Adminis-
22 tration” in subsection (b) and inserting in lieu thereof
23 “National Archives and Records Administration”.

24 (10) Section 2506 of such title is amended—

1 (A) by striking out "Administrator of General
2 Services" in subsection (a) and inserting in lieu there-
3 of "Archivist of the United States"; and

4 (B) by striking out "Administrator" in subsection
5 (b) and inserting in lieu thereof "Archivist".

6 (11) Section 2507 of such title is amended by striking
7 out "Administrator of General Services" and inserting in
8 lieu thereof "Archivist of the United States".

9 (12) Section 2901 of such title is amended—

10 (A) by striking out "27," in the matter preceding
11 paragraph (1);

12 (B) by inserting before the semicolon at the end of
13 paragraph (2) the following: "to achieve adequate and
14 proper documentation of the policies and transactions
15 of the Federal Government and effective and economi-
16 cal management of agency operations";

17 (C) by striking out "Administrator" each place it
18 appears in paragraphs (6), (9), and (11) and inserting
19 in lieu thereof "Archivist"; and

20 (D) by redesignating paragraphs (12) and (13) as
21 paragraphs (13) and (14), respectively, and by insert-
22 ing after paragraph (11) the following new paragraph:

23 "(12) the term 'Archivist' means the Archivist of
24 the United States;".

1 (13) Section 2902(7) is amended by inserting "or the
2 Archivist" after "Administrator".

3 (14)(A) Sections 2903 and 2907 of such title are
4 amended by striking out "Administrator" each place it ap-
5 pears and inserting in lieu thereof "Archivist".

6 (B) Sections 2905, 2908, and 2909 of such title are
7 amended by striking out "Administrator of General Serv-
8 ices" each place it appears and inserting in lieu thereof "Ar-
9 chivist".

10 (15) Section 2904 is amended to read as follows:

11 **"§ 2904. General responsibilities for records management**

12 "(a) The Archivist shall provide guidance and assist-
13 ance to Federal agencies with respect to ensuring adequate
14 and proper documentation of the policies and transactions of
15 the Federal Government and ensuring proper records
16 disposition.

17 "(b) The Administrator shall provide guidance and as-
18 sistance to Federal agencies to ensure economical and effec-
19 tive records management by such agencies.

20 "(c) In carrying out their responsibilities under subsec-
21 tion (a) or (b), respectively, the Archivist and the Adminis-
22 trator shall each have the responsibility—

23 "(1) to promulgate standards, procedures, and
24 guidelines with respect to records management and the
25 conduct of records management studies;

1 “(2) to conduct research with respect to the im-
2 provement of records management practices and
3 programs;

4 “(3) to collect and disseminate information on
5 training programs, technological developments, and
6 other activities relating to records management;

7 “(4) to establish such interagency committees and
8 boards as may be necessary to provide an exchange of
9 information among Federal agencies with respect to
10 records management;

11 “(5) to direct the continuing attention of Federal
12 agencies and the Congress on the need for adequate
13 policies governing records management;

14 “(6) to conduct records management studies and,
15 in his discretion, designate the heads of executive agen-
16 cies to conduct records management studies with re-
17 spect to establishing systems and techniques designed
18 to save time and effort in records management;

19 “(7) to conduct inspections or surveys of the
20 records and the records management programs and
21 practices within and between Federal agencies;

22 “(8) to report to the appropriate oversight and ap-
23 propriations committees of the Congress and to the Di-
24 rector of the Office of Management and Budget annu-

1 *ally and at such other times as the Archivist or the Ad-*
2 *ministrator (as the case may be) deems desirable—*

3 *“(A) on the results of activities conducted*
4 *pursuant to paragraphs (1) through (7) of this*
5 *section,*

6 *“(B) on evaluations of responses by Federal*
7 *agencies to any recommendations resulting from*
8 *inspections or studies conducted under paragraphs*
9 *(6) and (7) of this section, and*

10 *“(C) to the extent practicable, estimates of*
11 *costs to the Federal Government resulting from*
12 *the failure of agencies to implement such recom-*
13 *mendations.*

14 *“(d) In addition, the Administrator, in carrying out the*
15 *responsibilities under subsection (b) shall have the responsi-*
16 *bility to promote economy and efficiency in the selection and*
17 *utilization of space, staff, equipment, and supplies for records*
18 *management.”.*

19 *(16) Section 2906 of such title is amended to read as*
20 *follows:*

21 ***“§ 2906. Inspection of agency records***

22 *“(a)(1) In carrying out their respective duties and re-*
23 *sponsibilities under this chapter, the Administrator of Gener-*
24 *al Services and the Archivist (or the designee of either) may*
25 *inspect the records or the records management practices and*

1 *programs of any Federal agency solely for the purpose of*
2 *rendering recommendations for the improvement of records*
3 *management practices and programs. Officers and employees*
4 *of such agencies shall cooperate fully in such inspections,*
5 *subject to the provisions of paragraphs (2) and (3) of this*
6 *subsection.*

7 “(2) *Records, the use of which is restricted by law or for*
8 *reasons of national security or the public interest, shall be*
9 *inspected, in accordance with regulations promulgated by the*
10 *Administrator and the Archivist, subject to the approval of*
11 *the head of the agency concerned or of the President. The*
12 *regulations promulgated by the Administrator and the Archi-*
13 *vist under this paragraph shall, to the extent practicable, be*
14 *identical.*

15 “(3) *If the Administrator or the Archivist (or the desig-*
16 *nee of either) inspects a record, as provided in this subsec-*
17 *tion, which is contained in a system of records which is sub-*
18 *ject to section 552a of title 5, such record shall be—*

19 “(A) *maintained by the Administrator, the Archi-*
20 *vist, or such designee as a record contained in a*
21 *system of records; or*

22 “(B) *deemed to be a record contained in a system*
23 *of records for purposes of subsections (b), (c), and (i) of*
24 *section 552a of title 5.*

1 “(b) In conducting the inspection of agency records pro-
2 vided for in subsection (a) of this section, the Administrator
3 and the Archivist (or the designee of either) shall, in addition
4 to complying with the provisions of law cited in subsection
5 (a)(3), comply with all other Federal laws and be subject to
6 the sanctions provided therein.”.

7 (17)(A) The heading of chapter 29 of title 44, United
8 States Code, is amended to read as follows:

9 **“CHAPTER 29—RECORDS MANAGEMENT BY THE AR-**
10 **CHIVIST OF THE UNITED STATES AND BY THE**
11 **ADMINISTRATOR OF GENERAL SERVICES”.**

12 (B) The item relating to chapter 29 in the table of chap-
13 ters for title 44, United States Code, is amended to read as
14 follows:

**“29. Records Management by the Archivist of the United States
 and by the Administrator of General Services..... 2901”.**

15 (18) Section 3102 of such title is amended—

16 (A) by inserting “and the Archivist of the United
17 States” after “Administrator of General Services” in
18 paragraph (2);

19 (B) by striking out “sections 2101-2113” and in-
20 serting in lieu thereof “sections 2101-2117”; and

21 (C) by striking out “2701.”.

22 (19) Section 3103 of such title is amended—

1 (A) by striking out "Administrator" the first
2 place it appears and inserting in lieu thereof "Archivist of the United States"; and

3
4 (B) by striking out "Administrator" the second
5 place it appears and inserting in lieu thereof "Archivist".

6
7 (20) Sections 3104 and 3106 of such title are
8 amended—

9 (A) by striking out "Administrator of General
10 Services" and inserting in lieu thereof "Archivist of
11 the United States"; and

12 (B) by striking out "Administrator" each place it
13 appears and inserting in lieu thereof "Archivist".

14 (21) Section 3105 of such title is amended by striking
15 out "Administrator of General Services" and inserting in
16 lieu thereof "Archivist of the United States".

17 (22) Sections 3302, 3303, 3308, and 3311 of such title
18 are amended by striking out "Administrator of General
19 Services" and inserting in lieu thereof "Archivist of the
20 United States".

21 (23) Sections 3303a and 3310 of such title are
22 amended—

23 (A) by striking out "Administrator of General
24 Services" and inserting in lieu thereof "Archivist of
25 the United States"; and

1 (B) by striking out "Administrator" each place it
2 appears and inserting in lieu thereof "Archivist".

3 (24)(A) The heading of section 3303 of such title is
4 amended to read as follows:

5 "**§ 3303. Lists and schedules of records to be submitted to**
6 **the Archivist of the United States by head of**
7 **each Government agency**".

8 (B) The heading of section 3303a of such title is amend-
9 ed to read as follows:

10 "**§ 3303a. Examination by Archivist of the United States of**
11 **lists and schedules of records lacking preserva-**
12 **tion value; disposal of records**".

13 (C) The heading of section 3311 of such title is amend-
14 ed to read as follows:

15 "**§ 3311. Destruction of records outside continental United**
16 **States in time of war or when hostile action**
17 **seems imminent; written report to Archivist of**
18 **the United States**".

19 (D) The table of sections for chapter 33 of such title is
20 amended by striking out "Administrator of General Serv-
21 ices" in the items pertaining to sections 3303, 3303a, and
22 3311 and inserting in lieu thereof "Archivist of the United
23 States".

24 (25) Section 3504(e) of such title is amended by insert-
25 ing "the Archivist of the United States and" before "the Ad-

1 *ministrator of General Services” each place it appears in*
2 *paragraphs (1) and (2).*

3 *(26) Section 3513 of such title is amended by inserting*
4 *“and the Archivist of the United States” after “Administra-*
5 *tor of General Services”.*

6 *(c)(1) Section 101 of the Presidential Recordings and*
7 *Materials Preservation Act is amended—*

8 *(A) by striking out “section 2107” each place it*
9 *appears and inserting in lieu thereof “section 2111”;*

10 *(B) by striking out “Administrator of General*
11 *Services (hereinafter in this title referred to as the ‘Ad-*
12 *ministrator’)” and inserting in lieu thereof “Archivist*
13 *of the United States (hereinafter referred to as the ‘Ar-*
14 *chivist)’”; and*

15 *(C) by striking out “Administrator” and inserting*
16 *in lieu thereof “Archivist”.*

17 *(2) Section 102 of such Act is amended—*

18 *(A) by striking out “section 2107” and inserting*
19 *in lieu thereof “section 2111”, and*

20 *(B) by striking out “Administrator” each place it*
21 *appears and inserting in lieu thereof “Archivist”.*

22 *(3) Section 103 of such Act is amended by striking out*
23 *“Administrator” and inserting in lieu thereof “Archivist”.*

24 *(d) Sections 106a, 106b, 112, 113, and 201 of title 1,*
25 *United States Code, are amended by striking out “Adminis-*

1 *trator of General Services” and “General Services Adminis-*
2 *tration” each place they appear and inserting in lieu thereof*
3 *“Archivist of the United States” and “National Archives*
4 *and Records Administration”, respectively.*

5 (e)(1) *Sections 6 and 11 through 13 of title 3, United*
6 *States Code, are amended by striking out “Administrator of*
7 *General Services” and “General Services Administration”*
8 *each place they appear and inserting in lieu thereof “Archi-*
9 *vist of the United States,” and “National Archives and*
10 *Records Administration”, respectively.*

11 (2)(A) *The heading of section 6 of such title is amended*
12 *to read as follows:*

13 ***“§ 6. Credentials of electors; transmission to archivist of the***
14 ***United States and to Congress; public inspec-***
15 ***tion”.***

16 (B) *The heading of section 12 of such title is amended*
17 *to read as follows:*

18 ***“§ 12. Failure of certificates of electors to reach President***
19 ***of the Senate or Archivist of the United States;***
20 ***demand on State for certificate”.***

21 (3) *The table of sections for chapter 1 of such title is*
22 *amended by striking out “Administrator of General Serv-*
23 *ices” in the items pertaining to sections 6 and 12 and insert-*
24 *ing in lieu thereof “Archivist of the United States”.*

1 *United States Government unless appropriations available to*
2 *the Archivist for this purpose are insufficient to cover the cost*
3 *of performing the work.”.*

4 *NATIONAL ARCHIVES TRUST FUND BOARD*

5 *SEC. 202. (a) Chapter 23 of title 44, United States*
6 *Code, is amended by striking out sections 2302 through 2305*
7 *and inserting in lieu thereof the following:*

8 ***“§ 2302. Authority of the Board; seal; services; annual***
9 ***report; bylaws; rules; regulations***

10 *“In carrying out the purposes of this chapter, the*
11 *Board—*

12 *“(1) may adopt an official seal, which shall be ju-*
13 *dicially noticed;*

14 *“(2) may utilize on a reimbursable basis the serv-*
15 *ices and personnel of the National Archives and*
16 *Records Administration necessary (as determined by*
17 *the Archivist) to assist the Board in the administration*
18 *of the trust fund, and in the preparation and publica-*
19 *tion of special works and collections of sources and*
20 *preparation, duplication, editing, and release of histori-*
21 *cal photographic materials and sound recordings, and*
22 *may utilize on a reimbursable basis the services and*
23 *personnel of other Federal agencies for such purposes;*

24 *“(3) shall submit to the Congress an annual*
25 *report, by account, of the moneys, securities, and other*

1 *personal property received and held by it, and of its*
2 *operations, which shall include a listing of the purposes*
3 *for which funds are transferred to the National Ar-*
4 *chives and Records Administration for expenditure and*
5 *to other Federal agencies;*

6 *“(4) may adopt bylaws, rules, and regulations*
7 *necessary for the administration of its functions under*
8 *this chapter; and*

9 *“(5) may, subject to the laws and regulations gov-*
10 *erning appointments in the competitive service, appoint*
11 *and fix the compensation of such personnel as may be*
12 *necessary to carry out its functions.*

13 **“§ 2303. Powers and obligations of the Board; liability of**
14 **members**

15 *“Except as otherwise provided by this chapter, the*
16 *Board shall have all the usual powers and obligations of a*
17 *trustee with respect to property and funds administered by it,*
18 *but the members of the Board are not personally liable,*
19 *except for malfeasance.*

20 **“§ 2304. Compensation of members; availability of trust**
21 **funds for expenses of the Board**

22 *“Compensation may not be paid to the members of the*
23 *Board for their services as members. Costs incurred by the*
24 *Board in carrying out its duties under this chapter, includ-*
25 *ing the obligations necessarily incurred by the members of the*

1 *Board in the performance of their duties, shall be paid by the*
2 *Archivist of the United States from trust funds available to*
3 *the Board for this purpose. The Board, by resolution, may*
4 *authorize the transfer of funds (including the principal or*
5 *interest of a gift or bequest) to the National Archives and*
6 *Records Administration to be expended on an archival or*
7 *records activity approved by the Board or to accomplish the*
8 *purpose of a gift or bequest.*

9 ***“§ 2305. Acceptance of gifts***

10 *“The Board may solicit and accept gifts or bequests of*
11 *money, securities, or other personal property, for the benefit*
12 *of or in connection with the national archival and records*
13 *activities administered by the National Archives and Records*
14 *Administration. Moneys that are for deposit into the trust*
15 *fund shall be deposited within 10 working days of the receipt*
16 *thereof.”.*

17 *(b) Section 2307 of title 44, United States Code, is*
18 *amended to read as follows:*

19 ***“§ 2307. Trust fund account; disbursements; sales of publi-***
20 ***cations and releases***

21 *“The income from trust funds held by the Board and the*
22 *proceeds from the sale of securities and other personal proper-*
23 *ty, as and when collected, shall be covered into the Treasury*
24 *of the United States in a trust fund account to be known as*
25 *the National Archives Trust Fund, subject to disbursement*

1 *on the basis of certified vouchers of the Archivist of the*
2 *United States (or his designee) for activities approved by the*
3 *Board and in the interest of the national archival and records*
4 *activities administered by the National Archives and Records*
5 *Administration, including but not restricted to the prepara-*
6 *tion and publication of special works, and collections of*
7 *sources and the preparation, duplication, editing, and release*
8 *of historical photographic materials and sound recordings.*
9 *The Archivist may sell publications and releases authorized*
10 *by this section and paid for out of the income derived from*
11 *trust funds at a price which will cover their cost, plus 10*
12 *percent, and moneys received from these sales shall be paid*
13 *into, administered, and expended as part of the National Ar-*
14 *chives Trust Fund.”*

15 *(c) The table of sections for chapter 23 of title 44,*
16 *United States Code, is amended by striking out “employ-*
17 *ees;” in the item pertaining to section 2302 and inserting in*
18 *lieu thereof “services; annual report;”*

19 **AUTHORITY TO LITIGATE**

20 *SEC. 203. (a) Section 2905(a) of title 44, United*
21 *States Code, is amended by adding at the end thereof the*
22 *following new sentence: “In any case in which the head of*
23 *the agency fails to initiate an action for such recovery or*
24 *other redress within a reasonable period of time after being*
25 *notified of any such unlawful action, the Archivist of the*

1 *United States shall, through the Attorney General, initiate*
2 *such an action; and the Archivist shall report the circum-*
3 *stances of any such failure by the head of the agency, or of*
4 *any refusal of the Attorney General to initiate such an*
5 *action, to the appropriate committees of the Congress.”.*

6 (b) *Section 3106 of title 44, United States Code, is*
7 *amended by adding at the end thereof the following new sen-*
8 *tence: “In any case in which the head of the agency fails to*
9 *initiate an action for such recovery or other redress within a*
10 *reasonable period of time after being notified of any such*
11 *unlawful action, the Archivist of the United States shall,*
12 *through the Attorney General, initiate such an action; and*
13 *the Archivist shall report the circumstances of any such fail-*
14 *ure by the head of the agency, or of any refusal of the Attor-*
15 *ney General to initiate such an action, to the appropriate*
16 *committees of the Congress.”.*

17 *INSPECTION OF RECORDS*

18 *SEC. 204. Section 3301 of title 44, United States*
19 *Code, is amended—*

20 (1) *by inserting “(a)” before “As used in this*
21 *chapter,”;*

22 (2) *by inserting “, as determined by the Archivist*
23 *of the United States,” after “public business and pre-*
24 *served or”;* and

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Union Calendar No. 402

98TH CONGRESS
2^D SESSION

H. R. 3987

[Report No. 98-707]

A BILL

To improve the preservation and management of
Federal records, and for other purposes.

APRIL 25, 1984

Reported with an amendment, committed to the Committee
of the Whole House on the State of the Union, and
ordered to be printed

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