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the age of 66 at the Regional Medical Center in Madisonville, KY.

Arnold Ligon will be remembered in western Kentucky for his business successes in the trucking industry and his devotion to religious causes, particularly church-related television. He was described by Madisonville journalist Susan Simmons in an obituary appearing in the Madisonville Messenger on July 31 as "a go-getter in the business world who achieved prosperity and success in the material world as well as a close communion with his spiritual world." One of Arnold Ligon's outstanding achievements was the construction of a Christian television station in western Kentucky, a project on which he spent hundreds of thousands of dollars and countless hours of his time.

I am proud to have represented this outstanding businessman and philanthropist as his Congressman in the U.S. House of Representatives, and I am proud to have called Arnold Ligon my friend.

Survivors include his lovely wife, Mrs. Carol Ligon, of Madisonville; three sons, Herb Ligon, Jr., Tommy G. Ligon, and James H. Ligon; one daughter, Deborah Ligon; and a sister, Mrs. Bonnie Workman, all of Madisonville; and six grandchildren.

Funeral services for Arnold Ligon are being held today at Life Center, his home church in Madisonville, KY.

I extend my sympathy to the survivors and friends of this outstanding Kentuckian who was an inspiration to those of us who knew and loved him.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1984

The SPEAKER. Pursuant to House Resolution 534 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3987.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, with Mr. GONZALES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 30, 1984, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "National Archives and Records Administration Act of 1984".

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, an editorial in Tuesday's Washington Post, which I sent to every Member, tell why it is so important for us to establish the National Archives as an independent agency, accountable and responsible for its own operations. That editorial described the magnificent exhibit at the main Archives building to commemorate the Archives' 50th anniversary and went on to say:

As rich as the exhibit is, it contains only the tiniest portion of the Archives' wealth—a wealth that has threatened to overwhelm the Archives since it was created. From the start, the Archives lacked the resources needed to catch up with more than 100 years of neglected records. After it was buried within GSA, the Government's housekeeping agency, it found it even harder to make its case for the specialized staff and resources that record preservation requires. Without more control over its own affairs, the Archives will be unable to keep up with the burgeoning records of modern Government, much less to stop the deterioration of old treasures.

Mr. Chairman, to establish the Archives as an independent agency, armed with sufficient authority and resources to do its job effectively, will demonstrate to our constituents and their children how much we value the documentary history of our Nation and how important it is that that history be preserved for generations to come. H.R. 3987 will accomplish that purpose, and I hope that it will achieve favorable consideration today.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding to me.

Mr. Chairman, I would just like to echo the gentleman's remarks about the necessity for this very important bill which would restore independence to the Archives on its 50th anniversary, which I think is a very appropriate time to do that.

Mr. Chairman, H.R. 3987 comes before us at the right time and with some remarkable history. The Senate, with administration support, passed companion legislation by unanimous consent. Both the chairman of the Government Operations Committee and the ranking Republican member favor it. In hearings before our committee this spring, all witnesses from private sector testified in favor of the bill. The present and both former Archivists of the United States have urged its passage. The Congressional Budget Office finds that the passage of the bill would involve a net offset and would not create additional administrative costs. The archival, historical, library, and genealogical communities strongly support H.R. 3987.

The purpose of the bill is to restore the independence of the National Archives and Records Service separating

it from the General Services Administration. As my colleagues know, it was exactly 50 years ago that the Congress created the National Archives and created it as an independent agency. It is appropriate that in this year in which the Archives celebrates its golden anniversary we return it to that independent status.

Let me quickly review the background to the independence question. After the Second World War President Truman appointed former President Hoover to head a commission to consider ways to streamline Federal functions. That commission on organization of the executive branch of the Government amalgamated the record-keeping functions of the then-independent National Archives with the newly created housekeeping agency, the General Services Administration. Then, as now, this was a misunderstanding of the mission of the National Archives.

Since that time, the National Archives continues to be misallied with the General Services Administration. As we learned during our committee's hearings, the basic missions of the two are incompatible, and the Archives' role as a cultural organization has been diminished during its years in GSA. For more than three decades historians and Archivists have criticized the placement of the Archives, and it is now abundantly clear to every observer that the Archives must be separated from GSA.

Let me summarize the reasons for separation:

The National Archives is a cultural and educational organization serving the Government, scholars, and the public at large. The General Services Administration is an administrative conglomerate providing housekeeping services to other Government agencies.

The records of the Nation must be managed by the best professional Archivists in the land, and managed in accordance with established archival principles.

The administrators of GSA—and there have been eight in the last 12 years—have had neither the time, inclination, nor background to make sound archival policy. Frankly, separation would benefit GSA as well as the Archives by focusing its mission more precisely.

The funding for the National Archives should be judged by the standards of a cultural and research organization. In the past, GSA has judged Archives funding only on the principles of profit and loss. This is appropriate to other parts of GSA, but totally unrealistic when applied to the preservation of our documentary heritage.

Some critics of this legislation have questioned whether this is the right time for passage. They argue that we have not considered all sides of the issue. Let me point out that this is the

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second consecutive Congress in which this legislation has been introduced: That oversight hearings for many years have raised the issue of the appropriateness of NARS placed within GSA; that we have 34 years of the record to look at. If anything, we have moved too slowly, not too quickly.

These critics also suggest that the problems of the Archives could be solved by leaving it within GSA but giving it greater autonomy. In fact, they propose a collegial body for a management structure. Now I ask the Members of the House, how many of you feel a committee could effectively direct any agency, much less one charged with protecting America's heritage of documents? What the Archives needs is clear authority over its professional program, not an authority divided among GSA, an executive director, and a management committee.

This is not the time to try out yet one further experiment of management upon the National Archives. This is the time to complete the passage of the legislation to restore the independent status of the Archives. This bill neither strips the Archives of essential functions nor does it add unrelated authorities to the Archives. It maintains the archival programs as a coherent whole. It gives the Archives control of its essential support services. That's all it does, but that is enough.

Mr. Chairman, my colleagues, let us rectify the mistake we make in 1949. Let us remove this agency that guards our fundamental historic documents from an umbrella agency largely concerned with materialistic ends. Let us restore the independent status of the National Archives as a hallmark of the dignity we ascribe to the protection and the preservation of our Nation's documentary heritage.

Mr. BROOKS. Mr. Chairman, I thank Mr. CLINGER for his dedication to the preservation of our national records. He has long been a historian, and we appreciate his contribution.

The CHAIRMAN. The Clerk will designate title I.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of H.R. 3987, following section 1, is as follows:

TITLE I—ESTABLISHMENT OF AN INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ESTABLISHMENT

Sec. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Adminis-

tration shall be administered under the supervision and direction of the Archivist."

ORGANIZATION AND GENERAL AUTHORITY

Sec. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

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

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Administration. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

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

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

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

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

"(g) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

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

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Administration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) The Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Administration."

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

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

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

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

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Administration' means the National Archives and Records Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(13), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives)."

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.

"2101. Definitions.

"2102. Establishment.

"2103. Officers.

"2104. Administrative provisions.

"2105. Personnel and services.

"2106. Reports to Congress.

"2107. Acceptance of records for historical preservation.

"2108. Responsibility for custody, use, and withdrawal of records.

"2109. Preservation, arrangement, duplication, exhibition of records.

"2110. Servicing records.

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- "2111. Material accepted for deposit.
 "2112. Presidential archival depository.
 "2113. Depository for agreements between States.
 "2114. Preservation of motion-picture films, still pictures, and sound recordings.
 "2115. Reports; correction of violations.
 "2116. Legal status of reproductions; official seal, fees for copies and reproductions.
 "2117. Limitation on liability.
 "2118. Records of Congress."

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration 2101".

TRANSFERS

SEC. 103. (a) The National Archives and Records Service of the General Services Administration is transferred to the National Archives and Records Administration.

(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(3) All functions which were assigned to the Administrator of General Services by the sections 5.1(b) and 5.2(a) of Executive Order No. 12356 of April 2, 1982 (relating to national security information and the Information Security Oversight Office), shall be exercised by the Archivist of the United States.

(c) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act or the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. A percentage of the funds and associated positions in the General Management and Administration appropriation for the General Services Administration, proportionate to the percentage of National Archives and Records Service employees in the General Services Administration, is transferred to the Archivist for appropriate allo-

cation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced-in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

SEC. 105. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—
 (1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

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

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

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

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

SEC. 106. With respect to any functions transferred by this Act or by an amendment made by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.

CONFORMING AMENDMENTS

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

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

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

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

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Administration";

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

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

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

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

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by inserting "and Records" immediately following "National Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

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

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

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

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

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

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

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

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

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

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

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

(6) Sections 2204(c)(1) and 2205 of such title are amended by striking out "National Archives and Records Service of the General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

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

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

(9) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of sub-

section (a) and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(C) by striking out "transmit to the Administrator" in the last sentence of such subsection and inserting in lieu thereof "make available to the public"; and

(D) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Administration".

(10) Section 2506 of such title is amended—

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

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

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

(12) Section 2901 of such title is amended—

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

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

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

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

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

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

(14)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

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

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

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

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

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

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

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

"(6) to 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;

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

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

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

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management."

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

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) 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 and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

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

"(b) In conducting the inspection of agency records provided for in subsection

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(a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein."

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

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES"

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services 2901".

(18) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701".

(19) Section 3103 of such title is amended—

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

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

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

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

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

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

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

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

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

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

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

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

(B) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

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

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

(25) Section 3504(e) of such title is amended by inserting "the Archivist of the United

States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(26) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

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

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111"; and

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

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration", respectively.

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

"§ 6. Credentials of electors; transmission to archivist of the United States and to Congress; public inspection".

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

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Administration", respectively.

(g) Subsections (b)(6) and (l)(1) of section 552a of title 5, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 108. For purposes of sections 103 through 106—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

EFFECTIVE DATE

SEC. 109. The provisions of this title shall be effective 120 days after the date of enactment of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work."

NATIONAL ARCHIVES TRUST FUND BOARD

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

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

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"§ 2303. Powers and obligations of the Board; liability of members

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

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

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

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

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund."

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;"

AUTHORITY TO LITIGATE

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initi-

ate such an action, to the appropriate committees of the Congress."

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress."

INSPECTION OF RECORDS

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

(1) by inserting "(a)" before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government."

PUBLIC NOTICE

SEC. 205. Section 3303(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TECHNICAL AMENDMENTS OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I have a number of technical amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Technical amendments offered by Mr. BROOKS: Page 6, line 5, strike out "The Archivist" and insert in lieu thereof "Notwithstanding section 1342 of title 31, United States Code, the Archivist".

Page 7, line 5, strike out "2901(13)" and insert in lieu thereof "2901(14)".

Page 18, after line 14, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(B) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

Page 18, line 20, strike out "make available to the public" and insert in lieu thereof "transmit to the President and the Congress".

Page 29, strike out lines 8 through 11 and insert in lieu thereof the following:

(g) Section 552a of title 5, United States Code, is amended—

(1) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archi-

vist of the United States or the designee of the Archivist to determine whether the record has such value;" and

(2) by striking out "Administrator of General Services" each place it appears in subsection (1)(1) and inserting in lieu thereof "Archivist of the United States".

Page 30, strike out lines 8 through 10.

Page 33, line 1, insert after "duties" the following: "and the compensation of persons employed by the Board".

Page 36, line 9, strike out the close quotation marks and following period and insert in lieu thereof the following: "Access to such material, and examination thereof, by the Archivist shall be in compliance with all other Federal laws and be subject to the sanctions provided therein."

At the end of the bill add the following new title:

TITLE III—GENERAL PROVISIONS**EFFECTIVE DATE**

SEC. 301. The provisions of this Act (including the amendments made by this Act) shall be effective on April 1, 1985.

SPENDING AUTHORITY

SEC. 302. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, The technical amendments which I am offering make the following changes to H.R. 3987, as reported:

First, add a reference to section 1342 of title 31 in the portion of the bill dealing with use of volunteers by the archivist;

Second, correct a reference to section 2901(14);

Third, update a reference to the National Historical Publications and Record Commission;

Fourth, provide that the annual report of the National Historical Publications and Records Commission shall be transmitted to the President and the Congress rather than simply being made available to the public as was provided for in the bill as reported;

Fifth, make a conforming change to the Privacy Act;

Sixth, strike out the current effective date provision in title I, to be replaced by an effective date for the entire bill of April 1, 1985, in title III.

The technical amendments in title II will grant the National Archives Trust Fund Board the authority to compensate trust fund employees from the trust fund, and will make clear that the Archivist's access and examination of agency files in making records determinations shall be in compliance with all other Federal laws and will be

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subject to the sanctions that are provided in those laws.

A new title III also is added to the bill to provide an effective date for the act of April 1, 1985, and to specify that any new spending authority within the meaning of section 401 of the Congressional Budget Act of 1974 provided under this act shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriations acts. The latter provision will cure a technical conflict with the Budget Act.

Mr. Chairman, again, these are technical amendments, and I think that there is no objection to them by the minority.

I yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Chairman, I certainly agree with committee chairman, these are technical amendments, and they should be adopted.

Mr. BROOKS. Mr. Chairman, I ask for adoption of the amendments.

The CHAIRMAN. The question is on the technical amendments offered by the gentleman from Texas [Mr. BROOKS].

The amendments were agreed to.

The CHAIRMAN. Are there any further amendments to this title or section?

If not, are there amendments to any other part of the bill?

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 9, strike out lines 1 through 6.

Mr. BROOKS. Mr. Chairman, as reported out of the Committee on Government Operations, section 104 of H.R. 3987 would transfer the Information Security Oversight Office from GSA to the Independent Archives. ISOO is responsible for overseeing the information security activities of Federal agencies. Both ISOO and GSA contend that the effectiveness of ISOO in administering this program is enhanced by its being housed in an impartial agency such as GSA. Both the Office and GSA have urged that ISOO be retained within GSA, and this amendment would accomplish that purpose.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Chairman, this is a good amendment. It does delete the transfer. I urge support for the amendment.

This amendment would keep the Information Security Oversight Office, or ISOO, within the General Services Administration.

ISOO oversees the activities of all agencies dealing with classified information, to ensure compliance with the Executive order on the subject. It has

been successful in part because it is housed in an agency which is perceived by all agencies to be impartial between the competing demands of protection and disclosure of Government data.

The bill as reported would move ISOO to the new National Archives and Records Administration. Because the Archives is generally a prodisclosure agency, some concern has been raised that the transfer would lessen ISOO's effectiveness in dealing with other agencies.

The amendment deletes the transfer, and is therefore responsive to that concern. I am pleased to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 27, after line 23, insert the following new paragraph:

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of the Congress are not in session."

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, this amendment would make several conforming changes and one slightly more substantive change to the Presidential Recordings and Materials Preservation Act. That act, which provided for the safekeeping of the Nixon tapes, contained a provision requiring the Administrator of GSA to submit to the Congress proposed regulations regarding public access to the recordings. This provision contained a legislative veto requirement. In order to avoid any possible conflict between this requirement and the Supreme Court's Chadha legislative veto decision, this amendment would change the procedure to provide that the regulations would not take effect until the expiration of 60 legislative days after they were submitted. Changing the requirement to a "report and wait" provision will ensure effective congressional oversight while avoiding a possible constitutional problem.

□ 1800

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment.

The law governing the Presidential papers of President Nixon requires the issuance of regulations to provide public access to the materials. The law permits either House of Congress to veto the regulations.

Because the Supreme Court, in its decision entitled *Immigration and Naturalization Service v. Chadha* [103 S.Ct. 2764 (1983)], has declared the legislative veto to be unconstitutional, the veto provision in this statute is now invalid.

The amendment preserves the right of Congress to review the regulations, even in the absence of a veto, by stipulating that the regulations could not take effect for 60 legislative days after they are submitted to the Congress.

I believe that this is a reasonable protection of congressional rights within the constitutional provisions as declared by the Supreme Court and I support the amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

Are there any further amendments?

Mr. DORGAN. Mr. Chairman, I move to strike the last word, and I rise for the purpose of having a colloquy with the chairman.

Mr. Chairman, since the enactment of 26 U.S.C. 6103 in the Tax Reform Act of 1976, the Congress has consistently reflected the public's concern that tax returns and tax return information are confidential. Disclosure of this information is expressly prohibited except in specific situations delineated in section 6103.

The Committee on Ways and Means, on which I serve, is concerned that certain provisions of H.R. 3987 might be misconstrued as indicating changed congressional intent regarding the confidentiality of tax records. We understand that basically H.R. 3987 is a reorganization bill which is not intended to increase or diminish the current authorities of the Archivist now vested in the Administrator of the General Services Administration [GSA]. However, so that there is no misunderstanding, we believe that congressional intent with respect to tax records should be clearly reaffirmed and that tax returns and return information may not be disclosed except as authorized by section 6103.

The Archivist has a mandate to collect and preserve valuable documentary history of our country, an important and often difficult job. In certain cases this may include tax records. On the other hand, Congress, through

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section 6103, has balanced this archival need with the high expectations of privacy Americans have for their tax records.

In the mid-1970's, Congress took a number of actions with regard to the privacy of U.S. citizens which culminated in the Privacy Act of 1974. Subsequent review concerning the disclosure of tax information by the Privacy Protection Study Commission concluded that there was a need for a Federal statute more stringent than either the then existing tax disclosure law or the Privacy Act. Accordingly, section 6103 was enacted in the 1976 Tax Act.

Thus, so that the legislative history is clear, I would ask the distinguished chairman of the Committee on Government Operations whether our understanding that H.R. 3987 is not intended to change existing requirements with respect to tax records covered by section 6103 of the Internal Revenue Code is correct?

Mr. BROOKS. If the gentleman will yield, I would say to my distinguished friend that as I stated Monday during general debate on H.R. 3987, the bill as reported by the committee makes no amendment to current law regarding the treatment of tax returns and tax return information for archival purposes. It is not the intent of the committee to change the status quo of the law regarding tax records in any manner.

I also want to point out that we just adopted an amendment which makes clear that the Archivist's access and examination of agency files in order to make determination of what constitutes a record "shall be in compliance with all other Federal laws and be subject to the sanctions provided therein." This amendment, I believe, ensures the conformity of the Archivist's actions in this regard to other statutes already on the books.

Mr. DORGAN. Mr. Chairman, I thank the Committee chairman for his response.

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. KINDNESS

Mr. KINDNESS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KINDNESS: Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—ESTABLISHMENT OF THE NATIONAL ARCHIVES AND RECORDS SERVICE

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an agency within the General Services Administration to be known as the National Archives and Records Service. The Service shall be administered under the supervision and direction of the Archivist."

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

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

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Service a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Service. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

"(b) Except as otherwise expressly provided by law, the Archivist may delegate functions to designated officers and employees of the Service, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for administration of such functions.

"(c) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Service.

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Service. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

"(f) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"(g) In each annual appropriation request, the Administrator shall identify the portion thereof intended for the support of the Service and include a statement by the Archivist (1) showing the amount requested by the Service in its budgetary presentation to the Administrator and (2) an assessment of the budgetary needs of the Service.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Service.

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

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Service, is authorized to utilize in the Service the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) Notwithstanding section 1342 of title 31, United States Code, the Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Service."

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

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

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

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

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Service' means the National Archives and Records Service of the General Services Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(14), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives)."

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS SERVICE

"Sec.

"2101. Definitions.

"2102. Establishment.

"2103. Officers.

"2104. Administrative provisions.

"2105. Personnel and services.

"2106. Reports to Congress.

"2107. Acceptance of records for historical preservation.

"2108. Responsibility for custody, use, and withdrawal of records.

"2109. Preservation, arrangement, duplication, exhibition of records.

"2110. Servicing records.

"2111. Material accepted for deposit.

"2112. Presidential archival depository.

"2113. Depository for agreements between States.

"2114. Preservation of motion-picture films, still pictures, and sound record-

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ings.

"2115. Reports; correction of violations.

"2116. Legal status of reproductions; official seal, fees for copies and reproductions

"2117. Limitation on liability.

"2118. Records of Congress."

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Service..... 2101".

TRANSFERS

Sec. 103. (a)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(b) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

SAVINGS PROVISIONS

Sec. 104. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Service.

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

(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

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

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

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

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

CONFORMING AMENDMENTS

Sec. 105. (a)(1) Section 2107 of title 44, United States Code, as redesignated by section 102(a)(1), is amended—

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

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

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

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Service";

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

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

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

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

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by inserting "and Records" immediately following "Natural Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

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

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

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

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

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service".

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

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

(A) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service";

(B) by striking out "General Services Administration" and inserting in lieu thereof

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"National Archives and Records Service"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist";

(4) Section 1506 of such title is amended—

(A) by inserting "The Administrator of General Services, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget," after "Attorney General," in the first sentence; and

(B) by striking out the third sentence.

(5) Section 1714 of such title is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Service".

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

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

(8) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(C) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(D) by striking out "the Administrator" in the last sentence of such subsection and inserting in lieu thereof "the President and the Congress; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Service".

(9) Section 2508 of such title is amended—

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

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

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

(11) Section 2901 of such title is amended—

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

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

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

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) the term "Archivist" means the Archivist of the United States";

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

(13)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

(14) Section 2904 is amended to read as follows:

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

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

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

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

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

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

"(6) to 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;

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

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

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

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management."

"(15) Section 2906 of such title is amended to read as follows:

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspec-

tions, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) 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 and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

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

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein."

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

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES".

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services..... 2901".

(17) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701".

(18) Section 3103 of such title is amended—

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

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

(19) Sections 3104 and 3106 of such title are amended—

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

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

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

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

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

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

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

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

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

(C) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records".

(C) The heading of section 3311 of such title is amended to read as follows:

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

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

(24) Section 3504(3) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(25) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

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

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111", and

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

(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of the Congress are not in session."

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Service", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services"

and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Service", respectively.

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

"§ 6. Credentials of electors; transmission to archivist of the United States and to Congress; public inspection".

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

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate".

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Service", respectively.

(g) Subsections (b)(6) and (1)(1) of section 552a of title 5, United States Code, are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following: "Archivist of the United States".

(i) Section 4(5) of the Act of October 25, 1951 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

Sec. 106. For purposes of sections 103 and 104—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Service" means the National Archives and Records Service of the General Services Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

Sec. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work."

NATIONAL ARCHIVES TRUST FUND BOARD

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

"§ 2302. Authority of the Board; seal; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Service necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Service for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

"§ 2303. Powers and obligations of the Board; liability of members

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

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Service to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

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

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

"§ 2307. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of se-

curities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Service, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund."

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report;"

AUTHORITY TO LITIGATE

SEC. 203. (a) Section (a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress."

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress."

INSPECTION OF RECORDS

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

(1) by inserting "(a)" before "As used in this chapter,";

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government."

PUBLIC NOTICE

SEC. 205. Section 3303(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—EFFECTIVE DATE; CONSTRUCTION

EFFECTIVE DATE

SEC. 301. The provisions of this Act shall be effective October 1, 1985.

RETURN INFORMATION

SEC. 302. Nothing contained in this Act shall be construed to authorized the disclosure of any return or return information (as defined in section 6103 of the Internal Revenue Code of 1954 (26 U.S.C. 6103)) except as authorized by such Code.

Mr. KINDNESS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(Mr. KINDNESS asked and was given permission to revise and extend his remarks.)

Mr. KINDNESS. Mr. Chairman, as we know, in many parts and aspects of our lives, scheduling is sometimes almost everything. Here we are on Thursday afternoon, about to leave town, with no votes scheduled for tomorrow or Monday, and perhaps not Tuesday for all I know, and this measure has had so little attention by this House. The general debate was had during a period of time when no one was paying any attention, and here is the task of anyone who feels concerned about the content of the bill of trying to get some attention somehow on the part of the Members of this House to what is going on here. It is not a very good time to get that to occur. So we will try to make a record, at any rate.

I do not like to be in the position 3, 4, or 5 years down the road of being able to say, "I told you so." That is not my intent or purpose. My intent and purpose at this point would be to try to get a rational vote on this substitute, which does much of what is done by the bill before us, but it does not actually separate the National Archives and Records Service out from the General Services Administration. It does most of the rest functionally that I think does need to be accomplished that would be accomplished by the bill.

For those of you who are happy about the vote that you may have cast to create the Department of Education, you will love this one. If those of you who voted to create the Department of Energy are satisfied with that vote, you may be satisfied with this one, too. But for those of you who are concerned about not creating any more independent agencies than necessary, then I think you ought to listen, you ought to give some consideration and support to the substitute that is under consideration of the Committee of the Whole at this time.

Mr. Chairman, during general debate on this bill, I said that full independence for the National Archives was not necessary in order to solve

problems which have been alleged to arise out of its structural placement within GSA. A transfer of the statutory authority contained in title 44 of the United States Code from the Administrator to the Archivist of the United States would deprive the Administrator of the statutory basis on which to meddle in the substantive archival responsibilities contained in title 44. And, that can be done without setting up the Archives as an independent agency.

Incidentally, has anyone thought about how ridiculous it is that the Federal Register should be controlled and printed by an independent agency? Think that about that one. The National Archives and Records Service has that function. Furthermore, it is not unprecedented for Congress to grant a larger measure of autonomy to some components of an agency as opposed to others, and that is what is proposed to be done in this substitute. The Office of Federal Procurement Policy within OMB is one example and the Federal Energy Regulatory Commission within the Department of Energy is another. With respect to the latter, Congress provided that the budget submission of the Energy Secretary contain the original request of the Federal Energy Regulatory Commission so that, in effect, FERC has a direct line to Congress as to its budget needs. Providing similar authority to the Archives would give it the best of both worlds—support from the larger agency, GSA, when GSA agrees, for its budget request, and a direct, official line to the Congress, even bypassing OMB, when it doesn't have the support of GSA.

This bill will politicize the National Archives of course; and that may be appropriate. The Archivist will be appointed by the President. The administration naturally supports the bill, presumably for that reason.

The Nation's archivists and historians are likely to be disappointed if not horrified by the results if this bill is enacted into law.

This Nation's documentary heritage is too important to be dealt with so lightly. Having served on the subcommittee exercising oversight over the NARS through three Congresses. I have looked at the National Archives rather closely. I am convinced that it is not presently ready to deal effectively with its mission. There are many deep problems in its functioning that are not solved.

I believe that this bill could also make the fulfillment of NARS' missions more difficult. There is no guarantee that an independent National Archives will have more resources with which to work. I think it is important to point out that I have not opposed more resources for the Archives; I have despaired at times at how those resources have been used, but I do not deny the need for more resources to fulfill its missions.

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An independent National Archives will have to provide administrative support services now provided by GSA. Those services include: Congressional Affairs, Office of Ethics, Public Affairs, General Counsel, Inspector General, Personnel, Budget and Finance, Office of Oversight, and Procurement. While the bill before us contains a provision for transfer of appropriations from GSA to NARS for these services, it is not clear that it will be enough to provide high enough grade level for the heads of these new offices within a newly dependent NARS or the physical accommodations in which to situate them. I think we should expect NARS to come to us next year seeking more than will be transferred in this act in order to provide an adequate level of administrative support services for itself. My amendment in the nature of a substitute, which I am now offering, would provide just those things. It is very, very similar to the committee-reported bill. It would transfer all statutory authority from the Administrator to the Archivist as does the committee bill. It provides for Presidential appointment of the Archivist. It contains the provisions of title II of the committee bill clarifying the Archivist's authority to make final determinations as to what is an agency record. And, like the Department of Energy Act, it provides that the National Archives' original budget request must be included in GSA's budget submission to the Congress. The one thing my substitute would not do that the committee bill does is to sever the National Archives from GSA and make it an independent agency.

In sum, I believe that independence is a drastic step which is neither wise, nor necessary. Granting a large degree of program autonomy would free the Archives from the meddling of administrators in the past while sparing it the trauma and drain on resources that will necessarily come from the efforts to establish itself as an independent agency.

So, I hope that the House will adopt my alternative which would alleviate most of the problem inherent in the relationship between NARS and GSA while not throwing the Archives out into the world, unprepared to be out on its own.

□ 1810

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, I have read the substitute proposal which the gentleman from Ohio has made, and frankly, I am a bit mystified by it. The substitute would apparently give the Archivist of the United States complete authority for the functions of the National Archives, but it would leave the Archives within the General Services Administration.

This amendment is inconsistent with the Administration's preference that

the Archives be made an independent Federal agency. I am at a loss to understand the virtue of this arrangement for the Archives, the GSA, or the people of this country.

Under this arrangement, the Archivist would remain dependent on GSA for personnel, budget, legal, and other support services. One of the main problems that the Government Operations Committee found with the present placement of the Archives within GSA is that support services are not tailored to meet the needs of the Archives, and therefore often do not aid in the performance of the agency's functions. The substitute would continue that situation.

The GSA Administrator, on the other hand, would remain the superior of the Archivist, in title, but he would have no real authority over his subordinate. Can you imagine an organization, Mr. Chairman, in which the boss has no control over his assistants? How could an organization function effectively like that?

From the standpoint of the people, we would have the same old confusing situation of divided leadership which has plagued the Archives for 35 years. As long as the Archives remains part of GSA, there will always be a temptation for the GSA hierarchy to meddle in Archives affairs and frustrate the efforts of the Archivist to run his agency in a professional way.

The occasions on which we have created a structure like the one contemplated in the substitute by the gentleman from Ohio are few and far between. The only one I can think of at the moment is the placement of the Federal Energy Regulatory Commission within the Department of Energy. That situation is substantially different from the one before us today, however. Before FERC was placed in DOE, it was an independent regulatory commission with legislative and judicial, as well as executive, powers. We did not want to make an agency with these authorities subject to the control of an executive officer. The Archives, however, performs only executive functions. It should be managed like other executive branch agencies, with direct lines of authority leading from the President to its head.

The gentleman from Ohio has also stated the organization under his amendment is similar to the placement of the Office of Federal Procurement Policy within the Office of Management and Budget. The OFPP example is considerably different from the situation he would prefer. OFPP is a very tiny office—only 14 people at the moment—which would be hard-pressed to perform its own support services. It also is vested only with policy, not administrative, responsibilities. The National Archives, however, is an organization of more than 2,000 employees which has substantial administrative functions. The analogy just doesn't fit.

Mr. Chairman, this amendment does not solve, anywhere near as well as the bill, the problems which the Government Operations Committee has found in the organizational placement of the National Archives. I urge the rejection of the amendment.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment in the nature of a substitute.

(Mr. ENGLISH asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH. Mr. Chairman, the gentleman from Ohio argues that independence for the Archives is neither wise, nor necessary. He says that independence could well be exacerbate, rather than solve, the problems he has seen during his 6 years as a member of the oversight subcommittee I chair.

While stipulating—in his earlier comments—that the Archives, charged with preserving our Nation's documentary history, was already over 150 years behind the power curve when established 50 years ago, he expresses disappointment over the lack of progress by Archives managers in making up lost ground.

I, too, am disappointed with the amount of progress during the past 6 years. However, unlike the gentleman from Ohio, I do see the lack of management improvement as being a direct casualty of the Archives-GSA relationship. Given the time and energy Archives management has been forced to expend fending off meddling and oftentimes vindictive GSA officials, I'm surprised that they were able to make any headway in addressing their many problems.

The gentleman agrees we need a change. The difference between his bill and the committee proposal is one of degree only. We should make the right change—the one called for in the committee bill—you should reject the amendment.

In any event, as the gentlemen knows, the management skills of a particular individual or group of individuals is not the issue here. The gentleman from Ohio knows that there are major and very basic problems with the Archives-GSA marriage. That is why he proposes that, in lieu of independence, we simply transfer statutory authority for substantive archival responsibilities from the GSA Administrator to the Archivist. This, he notes, would deprive Administrators of General Services from entering ill-conceived agreements calling for the destruction of Presidential records, or from ordering the dispersal of valuable records to regional centers. The Archives, he explains, would, then, still have all the benefits of GSA's administrative support.

Well, I am very pleased to see that he recognizes the need to deprive meddling Administrators of their authority to influence substantive archival matters. I'm equally perplexed,

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however, that he views the kind of administrative support GSA has provided the Archives as beneficial.

Let me give you just one example of how the Archives has benefitted from being a part of GSA. As the gentleman noted, fire safety at the Archives is not a problem of recent vintage. So, after years of neglect by GSA's Public Building Service—the Government's landlord—we were pleased in March of 1982 of get the Administrator's personal assurance, during a public hearing, that PBS would be responsible for correcting longstanding fire safety and environmental problems at the Archives. Then, when faced with a devastating fire safety report last October, the Administrator and other GSA officials concocted an illegal, retroactive delegation of authority, shifting the burden for fire safety from PBS to the Archives effective October 1, 1981. So much for the Administrator's personal, public assurance of March 1982. And, since this is but one of many sad tales, so much for the benefits of GSA administrative support.

Mr. Chairman, this is not the time to try out yet another experiment in Government management—as proposed by the gentleman from Ohio—on the Archives. This is the time to correct an old mistake, not make a new one. This is the time to reestablish the Archives as an independent agency subject to neither the substantive nor administrative whims of GSA.

I urge my colleagues to reject the gentleman's amendment.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield for just a moment?

Mr. ENGLISH. I am happy to yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I certainly have had lots of interesting times serving with the gentleman on the subcommittee with the oversight jurisdiction concerning the National Archives and Records Service.

I would just like to ask if the gentleman from Oklahoma would care to state his intentions with regard to the oversight that would be exercised over this new independent agency in the months and years ahead. If this bill is enacted into law, I think it is going to require a great deal of attention, and I would expect to devote that time and attention to the matter myself. I see where the die is cast and what is going to happen here today, but I certainly feel that we are going to have to work harder on oversight as a result of the passage of this law than really is necessary. I would just like to urge upon the gentleman from Oklahoma that this ought to be a very interesting high-priority item for the exercise of oversight by the subcommittee, because it is going to take a lot of it.

Mr. ENGLISH. Mr. Chairman, I would agree with the gentleman. And as the gentleman well knows—and he certainly has served very ably on the subcommittee as the distinguished

ranking minority member—we have spent a great deal of time on the archives. We have looked at it up and down and all around, and I think we are very familiar with the problems. I think that is the reason we all agree that changes need to be made.

I am sure that the gentleman knows the Archives was independent up to 1948, and if I remember correctly, many historians, prominent historians, told us then that we should not be putting it in with GSA, and it turns out that they were right.

□ 1820

But I would certainly wholeheartedly agree with the gentleman that we want to make certain that the new independent Archives gets off to a good start, that it performs as the legislation calls for, and that it lives up to the enthusiastic beginning that we all expect from it.

Mr. KINDNESS. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment—most reluctantly, because I have the highest regard for my friend, Mr. KINDNESS, who has been one of the long time supporters of a strong Archives with the ability to preserve the historical records of this country. He has a keen sense of history and has always been a constructive force in our overall evaluation of the problems of the Archives.

The amendment of my friend, the gentleman from Ohio, serves the worthwhile purpose of vesting statutory authority for archival functions directly in the Archivist. But, in retaining the Archives within the bureaucratic structure of the GSA, the gentleman's amendment only addresses half of the problem. The record of the past 35 years shows numerous examples of the problems that have arisen due to the Archives' being subordinate to GSA. These problems have arisen in some cases from a lack of understanding and appreciation for the Archives' functions and, in other cases, through blatant attempts to meddle in the Archives for political purposes.

Granting direct statutory authority to the Archivist for these functions would not solve the problem wholly. The Archives still would be dependent on GSA to a large degree for the vital support functions that make the difference in any Government agency. Nor would this amendment address the problem that there are fundamental differences in the overall missions of the Archives and GSA. The former Archivist of the United States, Dr. James B. Rhoads, testified before our subcommittee that the defect in the structural relationship between these two agencies is one of simple and stark incompatibility.

It was the committee's opinion, and it is my opinion, that the only resolution of this problem is to remove the Archives completely from GSA. Doing

so will benefit both agencies greatly. I would ask for a no vote on this amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. KINDNESS].

The amendment in the nature of a substitute was rejected.

● Mr. FISH. Mr. Chairman, as a cosponsor of H.R. 3987, I would like to affirm my support for this legislation to reestablish the National Archives as an independent agency. The task of collecting the vital records of our documentary heritage and creating a system for the orderly accumulation of these records over time, is vital to the preservation of the history of our Nation. This summer we are celebrating the 50th anniversary of the founding of the National Archives as an independent establishment. When the National Archives and Records Service [NARS] was created by Franklin D. Roosevelt in June of 1934, it was a free-standing agency, reporting directly to the President. I believe that this is the proper way to run this agency. Today, as part of the General Services Administration [GSA], NARS lacks the proper authority over budget, program priorities, and personnel management needed to effectively carry out its important purpose.

Why is an institution dedicated to the preservation of our historic past buried within an agency which has a very different set of priorities? Most of the Archives' activities do not lend themselves to the measurable goals of the GSA. Principles of profit and loss are difficult to apply to the work of archivists and records managers who deal with people and materials of intangible values. As a result, NARS' budget has suffered and the GSA's demands of the agency have increased substantially over the years.

As long as NARS is a part of General Services Administration, the Office of Management and Budget [OMB] is, and should be, preoccupied and oriented toward big dollar issues involving Federal procurement, building construction and management. As a part of the GSA, the Archives is unable to make its case to the Office of Management and Budget and Congress for the skilled personnel and resources it needs. NARS' budget has suffered over the years while those of the Library of Congress and the Smithsonian have prospered in comparison. As independent institutions, their staffs have a clear understanding of definable goals. Their budgets and money disbursement can be managed within this framework of established priorities.

We need to have an archival program that will be able to operate professionally in the national interest. The NARS needs to be once again in charge of its own affairs where it can

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independently sustain continuity of its goals and a singularity of purpose. ●

● Mr. BATES. Mr. Chairman, I rise in support of H.R. 3987, the National Archives and Records Administration Act of 1984 that would reestablish the independence of the National Archives by separating it from the General Services Administration.

As we have heard from the many voices raised on this floor in support of this bill, the National Archives was established 50 years ago as an agency dedicated to the preservation of the Nation's official memory. It holds in trust the records of the Federal Government, beginning with the earliest jottings of the first secretary of the Continental Congress in 1774. Born out of the needs of the Government to provide evidence of its own actions, the National Archives has grown to serve the needs of a vast public whose lives, or the lives of their predecessors, have been touched in one way or another by that same Government. We are a nation of immigrants, from the Pilgrims to the latest refugees from today's strife-torn countries. The records of the National Archives are outspoken testimony to the diversity that makes up this land. Through immigration and naturalization records and those of the decennial census, our heritage is recorded by agencies of the National Government, and ultimately these records are deposited in the National Archives.

In the Archives are recorded the momentous events—the Declaration of Independence, the Constitution, the Emancipation Proclamation, the Supreme Court case of Brown against Board of Education—as well as the less obvious happenings that make up the structure and meaning of American life. In the archives are the logs and diaries of Polar explorers, the contracts and designs of the first airplanes sold to the Government by the Wright brothers, the land records that vividly document the rush to settle the West, the treaties that were negotiated to protect trade, copyrights, or the rights of American citizens abroad. The records that document military valor, from the struggle against colonialism in the 18th century to the southeast Asia conflicts of recent decades, are kept by the Archives so that future generations may know not only who were the individuals that laid down their lives, but why they did so. And, in the Archives are records of debates such as this, Mr. Speaker, because the Archives houses the records of Congress and the courts, making it an institution that serves all branches of the Government.

I have no argument with the General Services Administration, Mr. Speaker. As an agency dedicated to performing the business and maintenance functions of the Federal Government it does a commendable job under often adverse conditions. And I have no argument with the recommendations of the First and Second Hoover Commis-

sions for improving the efficiency of Government by consolidating offices and functions where it is appropriate to do so. I do believe, however, that the experience of the 35 years since the establishment of GSA and the assignment of the National Archives to that agency, has proven it to be an error. In my days at San Diego State University it would have been ludicrous to think of placing the library under the administration of the buildings and grounds department. In the State of California the Placement of the State Archives is much more logical than it is here in Washington, since it reports to the office of the secretary of state, which has legal authority over many of the basic documents preserved in the Archives. It is appropriate that we recognize that an error was made, and it is appropriate that we rectify that now. Indeed, it is fitting that such a reversion to the original plan for an independent National Archives take place during its golden anniversary.

Much of what we do in these halls from day to day may seem to be of less than global importance, and we sometimes move from bill to bill seeing them only as threads in a pattern that we cannot easily discern. It is in the Archives where that pattern will ultimately be revealed, when researchers study all of the threads and see how they interweave to form a tapestry of American civilization. The Archives, therefore, must be independent of the pressures normally confronting line agencies, and the archivists must be judicious and nonpartisan in their judgments about retention and disposal. I would urge, therefore, that if this legislation passes, the selection of Archivist of the qualifications and experience of the candidates, and after a broad search for candidates with talent and the proper credentials.

Abraham Lincoln said at Gettysburg that the world would little note what was said and done there that day, and he was wrong. I might repeat his phrase in relation to this bill, and be right. But whether our actions are noted or not, they will have an impact on the record that we in the Federal Government create to explain to future generations what we did, and why. It is on these grounds that I support the passage of H.R. 3987, and urge my colleagues on both sides of the aisle to contribute their support also.

Thank you. ●

The CHAIRMAN. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1823

Accordingly the Committee rose; and the Speaker pro tempore [Mr.

BENNETT] having assumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, he reported the bill back to the House with an amendment adopted by the Committee on the Whole.

Mr. SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, pursuant to House Resolution 534, I call up from the Speaker's table the Senate bill (S. 905) to establish the National Archives and Records Administration as an independent agency, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike out all after the enacting clause of the Senate bill, S. 905, and to insert in lieu thereof the provisions contained in H.R. 3987, as passed by the House, as follows:

That this Act may be cited as the "National Archives and Records Administration Act of 1984".

TITLE I—ESTABLISHMENT OF AN INDEPENDENT NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ESTABLISHMENT

SEC. 101. Section 2102 of title 44, United States Code, is amended to read as follows:

"§ 2102. Establishment

"There shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration. The Administration shall be administered under the supervision and direction of the Archivist."

ORGANIZATION AND GENERAL AUTHORITY

SEC. 102. (a) Chapter 21 of title 44, United States Code, is amended—

(1) by redesignating sections 2103 through 2114 as sections 2107 through 2118, respectively; and

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

"§ 2103. Officers

"(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate

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the reasons for any such removal to each House of the Congress.

"(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

"(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such policies, standards, criteria, procedures, rules, and regulations as the Archivist finds necessary or appropriate to carry out the functions of the Administration. The head of each Federal agency shall issue such orders and directives as may be necessary to conform the activities of the agency with the policies, standards, criteria, procedures, rules, and regulations prescribed by the Archivist.

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

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

"(d) The Archivist may establish advisory committees to advise him with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(e) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

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

"(g) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

"§ 2105. Personnel and services

"(a) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

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

"(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the Archivist or the Administration, is authorized to utilize in the Adminis-

tration the services of officials, officers, and other personnel in other Federal agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

"(d) Notwithstanding section 1342 of title 31, United States Code the Archivist is authorized to accept and utilize voluntary and uncompensated services.

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist and the Administration."

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

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

(2) by striking out "sections 2103-2113 of this title" in the matter preceding the first such paragraph and inserting in lieu thereof "this chapter";

(3) by striking out the period at the end and inserting in lieu thereof a semicolon; and

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

"(3) 'Archivist' means the Archivist of the United States appointed under section 2103;

"(4) 'Administration' means the National Archives and Records Administration established under section 2102; and

"(5) 'Federal agency', notwithstanding section 2901(14), means any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), any independent regulatory agency, or any establishment in the legislative or judicial branch of the Government (except the Senate and the House of Representatives)."

(c)(1) The table of sections for chapter 21 of title 44, United States Code, is amended to read as follows:

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.

"2101. Definitions.

"2102. Establishment.

"2103. Officers.

"2104. Administrative provisions.

"2105. Personnel and services.

"2106. Reports to Congress.

"2107. Acceptance of records for historical preservation.

"2108. Responsibility for custody, use, and withdrawal of records.

"2109. Preservation, arrangement, duplication, exhibition of records.

"2110. Servicing records.

"2111. Material accepted for deposit.

"2112. Presidential archival depository.

"2113. Depository for agreements between States.

"2114. Preservation of motion-picture films, still pictures, and sound recordings.

"2115. Reports; correction of violations.

"2116. Legal status of reproductions; official seal, fees for copies and reproductions.

"2117. Limitation on liability.

"2118. Records of Congress."

(2) The item relating to chapter 21 in the table of chapters for title 44, United States Code, is amended to read as follows:

"21. National Archives and Records Administration 2101"

TRANSFERS

SEC. 103. (a) The National Archives and Records Service of the General Services Ad-

ministration is transferred to the National Archives and Records Administration.

(b)(1) All functions which were assigned to the Administrator of General Services by section 6 of Executive Order No. 10530 of May 11, 1954 (19 Fed. Reg. 2709; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order No. 11440 of December 11, 1968 (33 Fed. Reg. 18475; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89-169, 79 Stat. 648), relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89-547, 80 Stat. 370) and the Act of May 26, 1977 (Public Law 95-34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

(c) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act or the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. A percentage of the funds and associated positions in the General Management and Administration appropriation for the General Services Administration, proportionate to the percentage of National Archives and Records Service employees in the General Services Administration, is transferred to the Archivist for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) The transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act, whichever is later.

SAVINGS PROVISIONS

SEC. 105. (a) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred by this Act or the amendments made by this Act shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The transfer of functions by this Act and by the amendments made by this Act shall not affect any proceedings, including

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notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the General Services Administration; but such proceedings and applications, to the extent that they relate to the functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Administration.

(c) Except as provided in subsection (e)—
(1) the provisions of this Act and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act, and

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

(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in his or her official capacity shall abate by reason of any transfer of functions by this Act or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

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

(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act or the Administrator of General Services in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act or by any amendment made by this Act shall apply to the exercise of such function by the Archivist.

REFERENCE

SEC. 106. With respect to any functions transferred by this Act or by an amendment made by this Act and exercised after the effective date of this Act, reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be

deemed to refer to the Archivist or the Administration.

CONFORMING AMENDMENTS

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

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

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

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

(2) Section 2108 of such title, as redesignated by section 102(a)(1), is amended—

(A) by striking out "the Administrator, the Archivist of the United States, and to the employees of the General Services Administration" in subsection (a) and inserting in lieu thereof "the Archivist and to the employees of the National Archives and Records Administration";

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

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

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

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

(3) Section 2109 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by inserting "and Records" immediately following "National Historical Publications".

(4) Section 2110 of such title, as redesignated by section 102(a)(1), is amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(5) Section 2111 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(6) Section 2112 of such title, as redesignated by section 102(a)(1), is amended—

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

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

(C) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111".

(7) Sections 2113, 2114, and 2117 of such title, as redesignated by section 102(a)(1), are amended by striking out "Administrator of General Services" and inserting in lieu thereof "Archivist".

(8) Section 2115 of such title, as redesignated by section 102(a)(1), is amended to read as follows:

"§ 2115. Reports; correction of violations

"(a) In carrying out their respective duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist and the Administrator may each obtain reports from Federal agencies on such agency's activities under such chapters.

"(b) When either the Archivist or the Administrator finds that a provision of any such chapter has been or is being violated, the Archivist or the Administrator shall (1) inform in writing the head of the agency concerned of the violation and make recom-

mendations for its correction; and (2) unless satisfactory corrective measures are inaugurated within a reasonable time, submit a written report of the matter to the President and the Congress."

(9) Section 2116 of such title, as redesignated by section 102(a)(1), is amended—

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

(B) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(10) Section 2118 of such title, as redesignated by section 102(a)(1), is amended by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

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

(2) Section 1502 of such title is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

(3) Section 1503 of such title is amended—

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

(B) by striking out "General Services Administration" and inserting in lieu thereof "National Archives and Records Administration"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

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

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

(6) Sections 2204(c)(1) and 2205 of such title are amended by striking out "National Archives and Records Service of the General Services Administration" and inserting in lieu thereof "National Archives and Records Administration".

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

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

(9) Section 2504 is amended—

(A) by striking out "Administrator of General Services" in the third sentence of subsection (a) and inserting in lieu thereof "Archivist of the United States";

(B) by inserting "and Records" after "Historical Publications" in the fourth sentence of such subsection;

(C) by striking out "Administrator" in the fourth sentence of such subsection and inserting in lieu thereof "Archivist";

(D) by striking out "transmit to the Administrator" in the last sentence of such subsection and inserting in lieu thereof "transmit to the President and the Congress"; and

(E) by striking out "General Services Administration" in subsection (b) and inserting in lieu thereof "National Archives and Records Administration".

(10) Section 2506 of such title is amended—

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

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

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

(12) Section 2901 of such title is amended—

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

(B) by inserting before the semicolon at the end of paragraph (2) the following: "to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations";

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

(D) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

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

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

(14)(A) Sections 2903 and 2907 of such title are amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

(B) Sections 2905, 2908, and 2909 of such title are amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist".

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

"§ 2904. General responsibilities for records management

"(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

"(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

"(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

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

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

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

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

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

"(6) to 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;

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

"(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

"(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

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

"(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

"(d) In addition, the Administrator, in carrying out the responsibilities under subsection (b) shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management."

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

"§ 2906. Inspection of agency records

"(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

"(2) 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 and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

"(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

"(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

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

"(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein."

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

"CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES"

(B) The item relating to chapter 29 in the table of chapters for title 44, United States Code, is amended to read as follows:

"29. Records Management by the Archivist of the United States and by the Administrator of General Services 2901"

(18) Section 3102 of such title is amended—

(A) by inserting "and the Archivist of the United States" after "Administrator of General Services" in paragraph (2);

(B) by striking out "sections 2101-2113" and inserting in lieu thereof "sections 2101-2117"; and

(C) by striking out "2701".

(19) Section 3103 of such title is amended—

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

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

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

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

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

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

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

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

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

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

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

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

(B) The heading of section 3303a of such title is amended to read as follows:

"§ 3303a. Examination by Archivist of the United States of lists and schedules of records lacking preservation value; disposal of records"

(C) The heading of section 3311 of such title is amended to read as follows:

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

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

(25) Section 3504(e) of such title is amended by inserting "the Archivist of the United States and" before "the Administrator of General Services" each place it appears in paragraphs (1) and (2).

(26) Section 3513 of such title is amended by inserting "and the Archivist of the United States" after "Administrator of General Services".

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

(A) by striking out "section 2107" each place it appears and inserting in lieu thereof "section 2111";

(B) by striking out "Administrator of General Services (hereinafter in this title referred to as the 'Administrator')" and inserting in lieu thereof "Archivist of the United States (hereinafter referred to as the 'Archivist')"; and

(C) by striking out "Administrator" and inserting in lieu thereof "Archivist".

(2) Section 102 of such Act is amended—

(A) by striking out "section 2107" and inserting in lieu thereof "section 2111"; and

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

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(3) Section 103 of such Act is amended by striking out "Administrator" and inserting in lieu thereof "Archivist".

(4) Section 104 of such Act is amended—

(A) by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of 60 legislative days after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, the term 'legislative days' does not include any day on which both Houses of Congress are not in session."

(d) Sections 106a, 106b, 112, 113, and 201 of title 1, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States" and "National Archives and Records Administration", respectively.

(e)(1) Sections 6 and 11 through 13 of title 3, United States Code, are amended by striking out "Administrator of General Services" and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States," and "National Archives and Records Administration", respectively.

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

"§ 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection."

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

"§ 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate."

(3) The table of sections for chapter 1 of such title is amended by striking out "Administrator of General Services" in the items pertaining to sections 6 and 12 and inserting in lieu thereof "Archivist of the United States".

(f) Sections 141 through 145 of title 4, United States Code, are amended by striking out "Administrator of General Services", "Administrator", and "General Services Administration" each place they appear and inserting in lieu thereof "Archivist of the United States", "Archivist", and "National Archives and Records Administration", respectively.

(g) Section 552a of title 5, United States Code, is amended—

(1) by striking out subsection (b)(6) and inserting in lieu thereof the following:

"(6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;" and

(2) by striking out "Administrator of General Services" each place it appears in subsection (1)(1) and inserting in lieu thereof "Archivist of the United States".

(h) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Archivist of the United States."

(i) Section 475) of the Act of October 25, 1961 (25 U.S.C. 199a) is amended by striking out "Administrator of General Services" each place it appears and inserting in lieu thereof "Archivist of the United States".

DEFINITIONS

SEC. 106. For purposes of sections 103 through 106—

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 2 of this Act;

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 2 of this Act); and

(3) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

SEC. 201. Section 2116(c) of title 44, United States Code (as redesignated by section 102(a)), is amended to read as follows:

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work."

NATIONAL ARCHIVES TRUST FUND BOARD

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

"§ 2302. Authority of the Board; seat; services; annual report; bylaws; rules; regulations

"In carrying out the purposes of this chapter, the Board—

"(1) may adopt an official seal, which shall be judicially noticed;

"(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

"(3) shall submit to the Congress an annual report, by account, of the moneys, securities, and other personal property received and held by it, and of its operations, which shall include a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure and to other Federal agencies;

"(4) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

"(5) may, subject to the laws and regulations governing appointments in the competitive service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions."

"§ 2303. Powers and obligations of the Board; liability of members

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

"§ 2304. Compensation of members; availability of trust funds for expenses of the Board

"Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

"§ 2305. Acceptance of gifts

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

(b) Section 2207 of title 44, United States Code, is amended to read as follows:

"§ 2207. Trust fund account; disbursements; sales of publications and releases

"The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund."

(c) The table of sections for chapter 23 of title 44, United States Code, is amended by striking out "employees;" in the item pertaining to section 2302 and inserting in lieu thereof "services; annual report."

AUTHORITY TO LITIGATE

SEC. 203. (a) Section 2305(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress."

(b) Section 2106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency fails to

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initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist of the United States shall, through the Attorney General, initiate such an action; and the Archivist shall report the circumstances of any such failure by the head of the agency, or of any refusal of the Attorney General to initiate such an action, to the appropriate committees of the Congress."

INSPECTION OF RECORDS

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

(1) by inserting "(a)" before "As used in this chapter,"

(2) by inserting ", as determined by the Archivist of the United States," after "public business and preserved or"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Archivist of the United States shall, by regulation, establish detailed criteria under which material shall be examined to determine if it is a record as defined under subsection (a) and such regulation. The Archivist may have access, to determine compliance with such subsection and such regulations, to any material made or received by an agency of the United States Government. Access to such material, and the examination thereof, by the Archivist shall be in compliance with all other Federal laws and be subject to the sanctions provided therein."

PUBLIC NOTICE

SEC. 205. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATE

SEC. 301. The provisions of this Act (including the amendments made by this Act) shall be effective on April 1, 1985.

SPENDING AUTHORITY

SEC. 302. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to improve the preservation and management of Federal records, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3987) was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING EXCHANGE OF CERTAIN LANDS FOR SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3331) to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501; 16 U.S.C. 460kk) is amended by

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike all after the enacting clause and insert:

That section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501) is amended by—

(1) inserting "(A) after "(2)";

(2) striking out "Any" in the third sentence thereof and substituting "Except as provided in subparagraph (B), any"; and

(3) adding the following new subparagraph at the end thereof:

"(B) The Secretary (acting through the Bureau of Land Management) shall negotiate, and carry out, and exchange with the city of Los Angeles (acting through its department of water and power) of certain federally owned lands managed by the Bureau of Land Management in the vicinity of the Haiwee Reservoir in Inyo County for certain lands owned by the city of Los Angeles which are associated with the Upper Franklin Reservoir in the city of Los Angeles. Lands acquired by the Secretary pursuant to such exchange shall be transferred without cost to the administrative jurisdiction of the National Park Service for inclusion within the recreation area. The Secretary shall include in such exchange a provision for an easement to be granted to the city of Los Angeles for the existing water pipeline associated with the Upper Franklin Reservoir and for the city of Los Angeles to provide for replacement water to maintain the water elevations of the Franklin Reservoir to the current levels. The values of lands exchanged under this provision shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976."

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. SEIBERLING. Mr. Speaker, H.R. 3331, introduced by our colleague Howard Berman, would provide for an equal value land exchange between the Department of the Interior and the city of Los Angeles.

The Santa Monica Mountains National Recreation Area [SMMNRA], established in 1978 (Public Law 95-625) has within its boundary lands owned by the city of Los Angeles. The act provides for donation of such lands to the National Park Service, at the discretion of the city, but does not permit exchange for other Federal land. The city land contains a small reservoir—Upper Franklin Reservoir—which is no longer used as a part of the water supply system and the potable water is now diverted into a pipeline that passes under the reservoir. Upper Franklin Reservoir is now partially filled with nonpotable water and is the focal point of an area of geological diversity including over 100 plant species, which is heavily used as a nature center by the William O. Douglas outdoor classroom.

The city of Los Angeles constructed the Haiwee Reservoir—located in Inyo County, CA—as a part of the city water system in the early 1900's. A portion of the reservoir is on Federal lands administered by the Bureau of Land Management. The land area around the Haiwee Reservoir is an alkaline desert typical of this region of California. While plant and animal life is limited there are several bald eagles that winter in the reservoir area.

The city of Los Angeles desires to obtain ownership of the lands around Haiwee Reservoir and favors an equal value exchange for those lands within the boundary of the SMMNRA owned by the city, including the Upper Franklin Reservoir.

I know of no controversy regarding this bill and since it requires a land exchange of equal value there will be no cost to the Federal Government.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WILD AND SCENIC RIVERS ACT AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consideration for immediate consideration of the bill (H.R. 5851) to amend the Wild and Scenic