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HOUSE OF REPRESENTATIVES
REPORT
108–403

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION EFFICIENCY ACT OF 2003

DECEMBER 8, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government Reform, submitted the following

R E P O R T

[To accompany H.R. 3478]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 3478) to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

The National Archives, created by Congress in 1934 as the Nation's record keeper, is a small agency with the very large task of

identifying, acquiring, preserving, and providing access to the permanently valuable records of the Federal government. From the records of the Continental Congress to the battle maps of Operation Desert Storm, from parchment to e-mail, the National Archives and its facilities across the Nation provide invaluable access to the records of our national life.

This bill is designed to make the operations of the National Archives more efficient in several key areas and to improve their service to Federal agencies and the public. It does so by amending title 44 of United States Code with four key provisions.

- Eliminate a cumbersome procedure for extending the retention periods for Federal records.
- Enable NARA to charge fees for the use of building spaces by public groups and associations.
- Allow NARA to enter into partnerships to carry out agency programs.
- Provide for the purchase of uniforms for certain NARA service employees.

SECTION-BY-SECTION

Section 1. Short title

"National Archives and Records Administration Efficiency Act of 2003".

Section 2. Extension of records retention periods

Currently, if a Federal agency wishes to extend the length of time that it is required to hold a particular type of Federal record, the process to do so is both cumbersome for the National Archives and the Federal agency. Every time an agency needs to retain records beyond the scheduled retention date an agency head must request permission from NARA. This law will clear the way for the writing of more sensible regulations that will streamline and shorten that required process.

Section 3. Authority for the use of Records Center Revolving Fund to be used for the purchase and care of uniforms for records centers employees

GAO decisions require that Federal agencies specifically receive legislative authority to purchase uniforms for service personnel. NARA has a limited need for such authority and this legislation grants that authority.

Section 4. Authority to charge fees for public use of facilities of National Archives and Records Administration

The National Archives manages a number of facilities across the United States, including Presidential libraries and the Archives headquarters facilities on the Mall in Washington, DC and in College Park, Maryland. Those facilities are often in demand as meeting spaces for associations and other organizations, but the Archives currently has no means to charge fees for that usage. This law will correct that situation and allow the Archives to charge reasonable fees for the occasional, non-official use of rooms and spaces, such as for meetings and special events, and use those fees for educational outreach.

Section 5. Authority to use cooperative agreements with State and local governments, educational institutions, and other public and nonprofit organizations to further NARA programs

This section will enable the National Archives to enter into cooperative agreements with State and local governments and nonprofit organizations for the public purpose of carrying out programs of NARA. Cooperative agreements will allow NARA to transfer modest amounts of appropriated dollars, limited by the language of this bill, to those organizations to carry out those purposes. For example, NARA has recently been working with the White House and National History Day on a project to foster a dialogue among teachers, students and members of the public about the rights and responsibilities of U.S. citizens. Through this and other projects National History Day promotes the use of primary history sources and the use of resources at the National Archives, promoting NARA's outreach program. This change would allow NARA to transfer modest amount of funds to National History Day and similar organizations to assist them in these endeavors.

EXPLANATION OF AMENDMENTS

The Committee did not consider any amendments.

COMMITTEE CONSIDERATION

On November 20, 2003, the Committee met in open session and favorably ordered reported the bill, H.R. 3478, by voice vote.

ROLLCALL VOTES

There were no recorded votes.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of how this bill applies to the legislative branch. This bill applies only to the National Archives and Records Administration.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(2) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 3478. The Committee believes that the changes in law,

made by this bill, are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3478. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3478 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 24, 2003.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3478, the National Archives and Records Administration Efficiency Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3478—National Archives and Records Administration Efficiency Act of 2003

H.R. 3478 would make various administrative changes to the National Archives and Records Administration (NARA). The legislation would allow NARA to extend the length of time agencies can hold particular federal records. The bill also would authorize NARA

to purchase uniforms for employees, retain and spend fees for the public use of NARA facilities, and to enter into cooperative agreements with public and nonprofit organizations to further NARA programs. CBO estimates that the legislation would not have a significant effect on spending subject to appropriation or on direct spending.

H.R. 3478 would authorize NARA to retain and spend any fees collected from the public for the use of its facilities for meetings and conferences. Because NARA does not have such authority under current law, enacting this provision would increase direct spending. According to the agency, however, the use of NARA facilities produces less than $500,000 a year in governmental receipts (revenues) that are deposited in the general fund of the Treasury. Thus, CBO estimates authorizing NARA to retain and spend those receipts would not have a significant effect on direct spending. H.R. 3478 could increase the cost to store federal records because it would allow NARA to extend the length of the time agencies may archive records. Based on information from NARA, CBO does not expect the costs of this provision, which would be subject to the availability of appropriated funds, to be significant.

H.R. 3478 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Th CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 44, UNITED STATES CODE

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CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Sec.
2101. Definitions.

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2119. Cooperative agreements.

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§ 2112. Presidential archival depository

(a) * * *

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(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum [space] *space, or for*

the occasional, non-official use of rooms and spaces (and services related to such use), in a Presidential archival depository.

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§ 2119. Cooperative agreements

(a) AUTHORITY.—The Archivist may enter into cooperative agreements pursuant to section 6305 of title 31 that involve the transfer of funds from the National Archives and Records Administration to State and local governments, other public entities, educational institutions, or private nonprofit organizations (including foundations or institutes organized to support the National Archives and Records Administration or the Presidential archival depositories operated by it) for the public purpose of carrying out programs of the National Archives and Records Administration.

(b) LIMITATIONS.—Not more than $25,000 may be transferred under a cooperative agreement entered into as authorized by subsection (a). Not more than a total of $75,000 may be transferred under such agreements in any fiscal year.

(c) REPORT.—Not later than December 31st of each year, the Archivist shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by subsection (a) during the preceding fiscal year.

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

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§ 2903. Custody and control of property

(a) The Archivist shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

(b) When the Archivist considers it to be in the public interest, the Archivist may charge and collect reasonable fees from the public for the occasional, non-official use of rooms and spaces, and services related to such use, in the buildings subject to this section. Fees collected under this subsection shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including educational and public program purposes.

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§ 2909. Retention of records

The Archivist may empower a Federal agency**[**, upon the submission of evidence of need,**]** to retain records for a longer period than that specified in disposal schedules**[**; and, in accordance with regu-

lations promulgated by him,**]**, *and* may withdraw disposal authorizations covering records listed in disposal schedules. *The Archivist shall promulgate regulations in accordance with section 2104(a) of this title to implement this section.*

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CHAPTER 33—DISPOSAL OF RECORDS

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

(a) * * *

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(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. **[**A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title.**]**

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INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

(Public Law 106–58)

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TITLE IV—INDEPENDENT AGENCIES

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

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RECORDS CENTER REVOLVING FUND

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a revolving fund to be available for expenses *(including expenses for uniforms or allowances for uniforms as authorized by subchapter I of chapter 59 of title 5)* and equipment necessary to provide for storage and related services for all temporary and prearchival Federal records, which are to be stored or stored at Federal National and Regional Records Centers by agencies and other instrumentalities of the Federal Government. The Fund shall be available without fiscal year limitation for expenses necessary for operation of these activities.

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