

Calendar No. 2140

81ST CONGRESS
2^D SESSION

S. 3959

[Report No. 2140]

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 20), 1950

Mr. McCLELLAN, from the Committee on Expenditures in the Executive Departments, reported the following bill; which was read twice and ordered to be placed on the calendar

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the parenthetical expression appearing in clause (1)
4 of the final sentence of subsection (a) of section 109 of the
5 Federal Property and Administrative Services Act of 1949
6 (Public Law 152, Eighty-first Congress) is amended to read
7 as follows: “(including the purchase from or through the
8 Public Printer, for warehouse issue, of standard forms, blank-
9 book work, standard specifications, and other printed ma-
10 terial in common use by Federal agencies not available
11 through the Superintendent of Documents)”.

- 1 (2) Inserting at the proper place in the table of contents
2 the following:

“TITLE V—FEDERAL TRAFFIC MANAGEMENT

“Sec. 501. Policies and methods of transportation and traffic management; surveys; development of suitable programs; powers, duties, and functions.

“Sec. 502. Administrative organization.

“Sec. 503. Applicability of the Federal Property and Administrative Services Act of 1949.

“Sec. 504. Powers, functions, and duties in the field of Federal transportation and traffic management.

“Sec. 505. Suits by carriers.

“Sec. 506. Annual report.

“Sec. 507. Definitions.”

- 3 (3) Redesignating “Title V—General Provisions”, as
4 “Title VI—General Provisions”, and by changing the sec-
5 tion numbers thereof from 501, 502, 503, 504, and 505,
6 respectively, to 601, 602, 603, 604, and 605, respectively.

- 7 (4) This Act may be cited as the “Federal Traffic
8 Management Act of 1950”.

9 POLICIES AND METHODS OF TRANSPORTATION AND TRAFFIC
10 MANAGEMENT; SURVEYS; DEVELOPMENT OF SUITABLE
11 PROGRAMS; POWERS, DUTIES, AND FUNCTIONS

12 SEC. 501. (a) To effectuate the policy set forth in
13 section 2 (a), and to implement section 201 (a) (1) of
14 the Federal Property and Administrative Services Act of
15 1949, which recites that the Administrator shall, in respect
16 of executive agencies, and to the extent that he determine
17 that so doing is advantageous to the Government in terms
18 of economy, efficiency, or service, and with due regard to

1 an advance of funds is not made, the General Services Ad-
2 ministration shall be reimbursed promptly out of funds of the
3 requisitioning agency in accordance with accounting pro-
4 cedures approved by the Comptroller General: *Provided,*
5 That in any case where payment shall not have been made
6 by the requisitioning agency within 45 days after the date
7 of billing by the Administrator or the date on which an actual
8 liability for supplies or services is incurred by the Admin-
9 istrator, whichever is the later, reimbursement may be ob-
10 tained by the Administrator by the issuance of transfer and
11 counterwarrants, or other lawful transfer documents, sup-
12 ported by itemized invoices.”

13 (b) Section 109 of the Federal Property and Admin-
14 istrative Services Act of 1949 is amended by adding at the
15 end thereof the following new subsection:

16 “(g) Whenever any producer or vendor shall tender
17 any article or commodity for sale to the General Services
18 Administration or to any procurement authority acting under
19 the direction and control of the Administrator pursuant to
20 this Act, the Administrator is authorized in his discretion,
21 with the consent of such producer or vendor, to cause to be
22 conducted, in such manner as the Administrator shall specify,
23 such tests as he shall prescribe to determine whether such
24 article or commodity conforms to prescribed specifications
25 and standards. When the Administrator determines that the

1 making of such tests will serve predominantly the interest
2 of such producer or vendor, he shall charge such producer
3 or vendor a fee which shall be fixed by the Administrator
4 in such amount as will recover the cost of conducting such
5 tests, including all components of such cost, determined in
6 accordance with accepted accounting principles. When the
7 Administrator determines that the making of such tests will
8 not serve predominantly the interest of such producer or
9 vendor, he shall charge such producer or vendor such fee as
10 he shall determine to be reasonable for the furnishing of
11 such testing service. All such fees collected by the Adminis-
12 trator may be deposited in the General Supply Fund to be
13 used for any purpose authorized by subsection 109 (a) of
14 this Act.”

15 SEC. 4. Paragraphs (1) and (2) of section 203 (j) of
16 the Federal Property and Administrative Services Act of
17 1949 are amended to read as follows:

18 “(1) Under such regulations as he may prescribe, the
19 Administrator is authorized in his discretion to donate for
20 educational purposes or public health purposes, including
21 research, in the States, Territories, and possessions without
22 cost (except for costs of care and handling) such equipment,
23 materials, books, or other supplies under the control of
24 any executive agency as shall have been determined to be
25 surplus property and which shall have been determined under

1 paragraph (2) or paragraph (3) of this subsection to be
2 usable and necessary for educational purposes or public
3 health purposes, including research.

4 “(2) Determination whether such surplus property
5 (except surplus property donated in conformity with para-
6 graph (3) of this subsection) is usable and necessary for
7 educational purposes or public health purposes, including
8 research, shall be made by the Federal Security Admin-
9 istrator, who shall allocate such property on the basis of
10 needs and utilization for transfer by the Administrator
11 of General Services to tax-supported medical institutions,
12 hospitals, clinics, health centers, school systems, schools,
13 colleges, and universities, and to other nonprofit medical
14 institutions, hospitals, clinics, health centers, schools, colleges,
15 and universities which have been held exempt from taxation
16 under section 101 (6) of the Internal Revenue Code, or
17 to State departments of education or health for distribution
18 to such tax-supported and nonprofit medical institutions,
19 hospitals, clinics, health centers, school systems, schools,
20 colleges, and universities; except that in any State where
21 another agency is designated by State law for such purpose
22 such transfer shall be made to said agency for such distribu-
23 tion within the State.”

24 SEC. 5. The Federal Property and Administrative Serv-
25 ices Act of 1949 is amended by—

1 (a) redesignating section 210 thereof as section
2 212, and wherever such section number appears in such
3 Act as originally enacted, it is amended to conform to
4 the redesignation prescribed by this subsection;

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

"Sec. 210. Operation of buildings and related activities.
"Sec. 211. Motor vehicle identification."

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

10 "OPERATION OF BUILDINGS AND RELATED ACTIVITIES
11 "SEC. 210 (a) Whenever and to the extent that the
12 Administrator has been or hereafter may be authorized by
13 any provision of law other than this subsection to main-
14 tain, operate, and protect any building, property, or grounds
15 situated in or outside the District of Columbia, including the
16 construction, repair, preservation, demolition, furnishing, and
17 equipment thereof, he is authorized in the discharge of the
18 duties so conferred upon him—

19 "(1) to purchase, repair, and clean uniforms for
20 civilian employees of the General Services Administra-
21 tion who are required by law or regulation to wear
22 uniform clothing;

23 "(2) to furnish arms and ammunition for the pro-

1 tection force maintained by the General Services Ad-
2 ministration;

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

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

14 “(5) without regard to the provisions of section 322
15 of the Act of June 30, 1932 (47 Stat. 412), as amend-
16 ed, to pay rental, and to make repairs, alterations, and
17 improvements under the terms of any lease entered into
18 by, or transferred to, the General Services Administra-
19 tion for the housing of any Federal agency which on
20 June 30, 1950, was specifically exempted by law from
21 the requirements of said section;

22 “(6) to obtain payments, through advances or
23 otherwise, for services, space, quarters, maintenance,
24 repair, or other facilities furnished, on a reimbursable
25 basis, to any other Federal agency, or any mixed-owner-

1 ship corporation (as defined in the Government Cor-
2 poration Control Act), or the District of Columbia, and
3 to credit such payments to the applicable appropriation
4 of the General Services Administration;

5 “(7) to make changes in, maintain, and repair the
6 pneumatic tube system connecting buildings owned by
7 the United States or occupied by Federal agencies in
8 New York City installed under franchise of the city of
9 New York, approved June 29, 1909, and June 11,
10 1928, and to make payments of any obligations arising
11 thereunder in accordance with the provisions of the Acts
12 approved August 5, 1909 (36 Stat. 120), and May 15
13 1928 (45 Stat. 533);

14 “(8) to repair, alter, and improve rented premises,
15 without regard to the 25 per centum limitation of section
16 322 of the Act of June 30, 1932 (47 Stat. 412), as
17 amended, upon a determination by the Administrator that
18 by reason of circumstances set forth in such determination
19 the execution of such work, without reference to such
20 limitation, is advantageous to the Government in terms
21 of economy, efficiency, or national security. A copy of
22 every such determination so made shall be furnished to
23 the General Accounting Office;

24 “(9) to pay sums in lieu of taxes on real property
25 declared surplus by Government corporations, pursuant

1 to the Surplus Property Act of 1944, where legal title
2 to such property remains in any such Government
3 corporation;

4 “(10) to furnish utilities and other services where
5 such utilities and other services are not provided from
6 other sources to persons, firms, or corporations occupy-
7 ing or utilizing plants or portions of plants which con-
8 stitute (A) a part of the National Industrial Reserve
9 pursuant to the National Industrial Reserve Act of
10 1948, or (B) surplus real property, and to credit the
11 amounts received therefrom to the applicable appro-
12 priation of the General Services Administration;

13 “(11) at the direction of the Secretary of Defense,
14 to use proceeds received from insurance against damage
15 to properties of the National Industrial Reserve for re-
16 pair or restoration of the damaged properties; and

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

19 “(b) At the request of any Federal agency or any
20 mixed-ownership corporation (as defined in the Govern-
21 ment Corporation Control Act), or the District of Columbia,
22 the Administrator is hereby authorized to operate, maintain,
23 and protect any building owned by the United States (or,
24 in the case of any wholly owned or mixed-ownership Gov-

1 ernment corporation, by such corporation) and occupied by
2 the agency or instrumentality making such request.

3 “(c) At the request of any Federal agency or any
4 mixed-ownership corporation (as defined in the Govern-
5 ment Corporation Control Act), or the District of Columbia,
6 the Administrator is hereby authorized (1) to acquire land
7 for buildings and projects authorized by the Congress; (2)
8 to make or cause to be made, under contract or otherwise,
9 surveys and test borings and to prepare plans and specifica-
10 tions for such buildings and projects prior to the approval by
11 the Attorney General of the title to the sites thereof; and
12 (3) to contract for, and to supervise, the construction and
13 development and the equipping of such buildings or projects.
14 Any sum available to any such Federal agency or instru-
15 mentality for any such building or project may be transferred
16 by such agency to the General Services Administration in
17 advance for such purposes as the Administrator shall deter-
18 mine to be necessary, including the payment of salaries and
19 expenses of personnel engaged in the preparation of plans
20 and specifications or in field supervision, and for general
21 office expenses to be incurred in the rendition of any such
22 service.

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

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

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

19 “(3) of any building located on the grounds of any
20 fort, camp, post, arsenal, navy yard, naval training
21 station, air field, proving ground, military supply depot,
22 or school, or of any similar facility of the Department

1 of Defense, unless and to such extent as a permit for
2 its use by another agency or agencies shall have been
3 issued by the Secretary of Defense or his duly authorized
4 representative;

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

12 “(5) of the Treasury Building, the Bureau of En-
13 graving and Printing Building, the buildings occupied
14 by the National Bureau of Standards, and the buildings
15 under the jurisdiction of the regents of the Smithsonian
16 Institution.

17 “(e) Notwithstanding any other provision of law, the
18 Administrator is authorized to assign and reassign space of
19 all executive agencies in Government-owned and leased
20 buildings in and outside the District of Columbia upon a de-
21 termination by the Administrator that such assignment or
22 reassignment is advantageous to the Government in terms
23 of economy, efficiency, or national security.

1 "MOTOR VEHICLE IDENTIFICATION

2 "SEC. 211. Under regulations prescribed by the Admin-
3 istrator, every motor vehicle acquired and used for official
4 purposes within the United States, its Territories, or posses-
5 sions, by any Federal agency or the District of Columbia
6 shall be conspicuously identified by showing thereon
7 either (a) the full name of the department, establishment,
8 corporation, or agency by which it is used and the service in
9 which it is used, or (b) a title descriptive of the service in
10 which it is used if such title readily identifies the department,
11 establishment, corporation, or agency concerned, and the
12 legend 'For official use only': *Provided*, That the regulations
13 issued pursuant to this section may provide for exemptions
14 from the requirements of this section when conspicuous iden-
15 tification would interfere with the purpose for which a vehicle
16 is acquired and used."

17 SEC. 6. The Federal Property and Administrative Serv-
18 ices Act of 1949 is amended by—

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

22 (b) redesignating sections 501-505, inclusive, of
23 such Act, respectively, as sections 601-605, inclusive,

1 thereof, and wherever any such section number appears
2 in such Act as originally enacted, it is amended to con-
3 form in numbering to the redesignation prescribed by
4 this subsection;

5 (c) inserting at the proper place in the table of con-
6 tents to such Act the following:

“TITLE V—FEDERAL RECORDS

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

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

“TITLE V—FEDERAL RECORDS

“SHORT TITLE

11 “SEC. 501. This title may be cited as the ‘Federal
12 Records Act of 1950’.

“CUSTODY AND CONTROL OF PROPERTY

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

1 "NATIONAL HISTORICAL PUBLICATIONS COMMISSION
2 "SEC. 503. (a) There is hereby created a National
3 Historical Publications Commission consisting of the
4 Archivist (or an alternate designated by him), who shall
5 be Chairman; the Librarian of Congress (or an alternate
6 designated by him); one Member of the United States
7 Senate to be appointed, for a term of four years, by the
8 President of the Senate; one Member of the House of
9 Representatives to be appointed, for a term of two years,
10 by the Speaker of the House of Representatives; one repre-
11 sentative of the judicial branch of the Government to be
12 appointed, for a term of four years, by the Chief Justice
13 of the United States; one representative of the Department
14 of State to be appointed, for a term of four years, by the
15 Secretary of State; one representative of the Department of
16 Defense to be appointed, for a term of four years, by the
17 Secretary of Defense; two members of the American His-
18 torical Association to be appointed by the council of the
19 said association, one of whom shall serve an initial term
20 of two years and the other an initial term of three years,
21 but their successors shall be appointed for terms of four
22 years; and two other members outstanding in the fields
23 of the social or physical sciences to be appointed by the
24 President of the United States, one of whom shall serve
25 an initial term of one year and the other an initial term

1 of three years, but their successors shall be appointed for
2 terms of four years. The Commission shall meet annually
3 and on call of the Chairman.

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

9 “(c) The Commission is authorized to appoint, without
10 reference to the Classification Act of 1949 (Public Law 429,
11 81st Congress, approved October 28, 1949), an executive
12 director and such an editorial and clerical staff as the Com-
13 mission may determine to be necessary. Members of the
14 Commission who represent any branch or agency of the
15 Government shall serve as members of the Commission with-
16 out additional compensation. All members of the Commis-
17 sion shall be reimbursed for transportation expenses incurred
18 in attending meetings of the Commission, and all such mem-
19 bers other than those who represent any branch or agency
20 of the Government of the United States shall receive in lieu
21 of subsistence en route to or from or at the place of such
22 service, for each day actually spent in connection with the
23 performance of their duties as members of such Commission,
24 such sum, not to exceed \$25, as the Commission shall
25 prescribe.

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

16 “FEDERAL RECORDS COUNCIL

17 “SEC. 504. The Administrator shall establish a Federal
18 Records Council, and shall advise and consult with the
19 Council with a view to obtaining its advice and assistance
20 in carrying out the purposes of this title. The Council shall
21 include representatives of the legislative, judicial, and
22 executive branches of the Government in such number as
23 the Administrator shall determine, but such Council shall
24 include at least four representatives of the legislative branch,

1 at least two representatives of the judicial branch, and at least
2 six representatives of the executive branch. Members of
3 the Council representing the legislative branch shall be design-
4 nated, in equal number, by the President of the Senate
5 and the Speaker of the House of Representatives, respect-
6 ively. Members of the Council representing the judicial
7 branch shall be designated by the Chief Justice of the United
8 States. The Administrator is authorized to designate from
9 persons named by the head of any executive agency con-
10 cerned, not more than one representative from such agency
11 to serve as a member of the Council. Members of the
12 Council shall serve without compensation, but shall be
13 reimbursed for all necessary expenses actually incurred in
14 the performance of their duties as members of the Council.
15 The Council shall elect its chairman, and shall meet at
16 least once annually.

17 "RECORDS MANAGEMENT; THE ADMINISTRATOR
18 "SEC. 505. (a) The Administrator shall make provi-
19 sions for the economical and efficient management of records
20 of Federal agencies (1) by analyzing, developing, promot-
21 ing, and coordinating standards, procedures, and techniques
22 designed to improve the management of records, to
23 insure the maintenance and security of records deemed
24 appropriate for preservation, and to facilitate the segrega-
25 tion and disposal of records of temporary value, and (2)

1 by promoting the efficient and economical utilization of
2 space, equipment, and supplies needed for the purpose of
3 creating, maintaining, storing, and servicing records.

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

15 “(c) The Administrator is authorized to inspect or
16 survey personally or by deputy the records of any Federal
17 agency, as well as to make surveys of records management
18 and records disposal practices in such agencies, and shall be
19 given the full cooperation of officials and employees of agen-
20 cies in such inspections and surveys: *Provided*, That records,
21 the use of which is restricted by or pursuant to law or for
22 reasons of national security or the public interest, shall be
23 inspected or surveyed in accordance with regulations promul-
24 gated by the Administrator, subject to the approval of the
25 head of the custodial agency.

1 “(d) The Administrator is authorized to establish,
2 maintain, and operate records centers for the storage, proc-
3 essing, and servicing of records for Federal agencies pending
4 their deposit with the National Archives of the United States
5 or their disposition in any other manner authorized by law;
6 and to establish, maintain, and operate centralized microfilm-
7 ing services for Federal agencies.

8 “(e) Subject to applicable provisions of law, the Ad-
9 ministrator shall promulgate regulations governing the
10 transfer of records from the custody of one executive agency
11 to that of another.

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

19 “RECORDS MANAGEMENT; AGENCY HEADS

20 “SEC. 506. (a) The head of each Federal agency shall
21 cause to be made and preserved records containing adequate
22 and proper documentation of the organization, functions,
23 policies, decisions, procedures, and essential transactions of
24 the agency and designed to furnish the information necessary

1 to protect the legal and financial rights of the Government
2 and of persons directly affected by the agency's activities.

3 “(b) The head of each Federal agency shall establish
4 and maintain an active, continuing program for the eco-
5 nomical and efficient management of the records of the
6 agency. Such program shall, among other things, provide
7 for (1) effective controls over the creation, maintenance,
8 and use of records in the conduct of current business; (2)
9 cooperation with the Administrator in applying standards,
10 procedures, and techniques designed to improve the man-
11 agement of records, promote the maintenance and security
12 of records deemed appropriate for preservation, and facilitate
13 the segregation and disposal of records of temporary value;
14 and (3) compliance with the provisions of this title and the
15 regulations issued thereunder.

16 “(c) Whenever the head of a Federal agency deter-
17 mines that substantial economies or increased operating
18 efficiency can be effected thereby, he shall provide for
19 the storage, processing, and servicing of records that
20 are appropriate therefor in a records center maintained
21 and operated by the Administrator or, when approved by
22 the Administrator, in such a center maintained and operated
23 by the head of such Federal agency.

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

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

17 “(f) The head of each Federal agency shall notify
18 the Administrator of any actual, impending, or threatened
19 unlawful removal, defacing, alteration, or destruction of
20 records in the custody of the agency of which he is the
21 head that shall come to his attention, and with the assist-
22 ance of the Administrator shall initiate action through the
23 Attorney General for the recovery of records he knows or
24 has reason to believe have been unlawfully removed from

1 his agency, or from any other Federal agency whose records
2 have been transferred to his legal custody.

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

9 “ARCHIVAL ADMINISTRATION

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

12 “(1) to accept for deposit with the National
13 Archives of the United States the records of any Federal
14 agency or of the Congress of the United States that
15 are determined by the Archivist to have sufficient his-
16 torical or other value to warrant their continued preser-
17 vation by the United States Government;

18 “(2) to direct and effect with the approval of the
19 head of the originating agency (or if the existence of
20 such agency shall have been terminated, then with the
21 approval of his successor in function, if any) the transfer
22 of records deposited (or approved for deposit) with the
23 National Archives of the United States to public or
24 educational institutions or associations: *Provided*, That

1 the title to such records shall remain vested in the United
2 States unless otherwise authorized by Congress; and

3 “(3) to direct and effect the transfer of materials
4 from private sources authorized to be received by the
5 Administrator by the provisions of subsection (c) of
6 this section.

7 “(b) The Administrator shall be responsible for the
8 custody, use, and withdrawal of records transferred to him:
9 *Provided*, That whenever any records the use of which is
10 subject to statutory limitations and restrictions are so trans-
11 ferred, permissive and restrictive statutory provisions with
12 respect to the examination and use of such records applicable
13 to the head of the agency from which the records were
14 transferred or to employees of that agency shall thereafter
15 likewise be applicable to the Administrator, the Archivist,
16 and to the employees of the General Services Administra-
17 tion, respectively: *Provided further*, That whenever the head
18 of any agency shall specify in writing restrictions that appear
19 to him to be necessary or desirable in the public interest,
20 on the use or examination of records being considered for
21 transfer from his custody to the Administrator, the Ad-
22 ministrator shall impose such restrictions on the records so
23 transferred, and shall not remove or relax such restrictions
24 without the concurrence in writing of the head of the agency
25 from which the material shall have been transferred (or if

1 the existence of such agency shall have been terminated,
2 then he shall not remove or release such restrictions without
3 the concurrence of his successor in function, if any, of such
4 agency head) : *Provided, however,* That statutory and other
5 restrictions referred to in the provisos of this subsection shall
6 not remain in force or effect after the records have been in
7 existence for fifty years unless the Administrator by order
8 shall determine with respect to specific bodies of records that
9 such restrictions shall remain in force and effect for a longer
10 period: *And provided further,* That restrictions on the use
11 or examination of records deposited with the National
12 Archives of the United States heretofore imposed and now
13 in force and effect under the terms of section 3 of the
14 National Archives Act, approved June 19, 1934, shall con-
15 tinue in force and effect regardless of the expiration of the
16 tenure of office of the official who imposed them but may
17 be removed or relaxed by the Administrator with the con-
18 currence in writing of the head of the agency from which
19 material has been transferred (or if the existence of such
20 agency shall have been terminated, then with the concurrence
21 in writing of his successor in function, if any).

22 “(c) The Administrator shall make provisions for the
23 preservation, arrangement, repair and rehabilitation, dupli-
24 cation and reproduction (including microcopy publications),
25 description, and exhibition of records transferred to him as

1 may be needful or appropriate, including the preparation
2 and publication of inventories, indexes, catalogs, and other
3 finding aids or guides facilitating their use; and, when ap-
4 proved by the National Historical Publications Commission,
5 he may also publish such historical works and collections of
6 sources as seem appropriate for printing or otherwise record-
7 ing at the public expense.

8 “(d) The Administrator shall make such provisions and
9 maintain such facilities as he deems necessary or desirable
10 for servicing records in his custody that are not exempt
11 from examination by statutory provisions or other restric-
12 tions.

13 “(e) The Administrator may accept for deposit—

14 “(1) the personal papers and other personal his-
15 torical documentary materials of the present President of
16 the United States, his successors, heads of executive de-
17 partments, and such other officials of the Government
18 as the President may designate, offered for deposit under
19 restrictions respecting their use specified in writing by
20 the prospective depositors: *Provided*, That restrictions
21 so specified on such materials, or any portions thereof,
22 accepted by the Administrator for such deposit shall
23 have force and effect during the lifetime of the depositor
24 or for a period not to exceed twenty-five years, which-
25 ever is longer, unless sooner terminated in writing by the

1 depositor or his legal heirs: *And provided further*, That
2 the Archivist determines that the materials accepted for
3 such deposit will have continuing historical or other
4 values;

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

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

12 “(f) The Administrator is hereby authorized to make
13 and preserve motion-picture films, still pictures, and sound
14 recordings pertaining to and illustrative of the historical de-
15 velopment of the United States Government and its activities,
16 and to make provisions for preparing, editing, titling, scoring,
17 processing, duplicating, reproducing, exhibiting, and re-
18 leasing for nonprofit educational purposes, motion-picture
19 films, still pictures, and sound recordings in his custody.

20 “REPORTS

21 “SEC. 508. (a) The Administrator is hereby author-
22 ized whenever he deems it necessary to obtain reports from
23 Federal agencies on their activities under the provisions of
24 this title and the Act approved July 7, 1943 (57 Stat.
25 380-383), as amended July 6, 1945 (59 Stat. 434).

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

9 “LEGAL STATUS OF REPRODUCTIONS

10 “SEC. 509. (a) Whenever any records that are re-
11 quired by statute to be retained indefinitely have been
12 reproduced by photographic, microphotographic, or other
13 processes, in accordance with standards established by the
14 Administrator, the indefinite retention of such photographic,
15 microphotographic, or other reproductions will be deemed to
16 constitute compliance with the statutory requirement for the
17 indefinite retention of such original records. Such reproduc-
18 tions, as well as reproductions made in compliance with
19 regulations promulgated to carry out this title, shall have
20 the same legal status as the originals thereof.

21 “(b) There shall be an official seal for the National
22 Archives of the United States which shall be judicially
23 noticed. When any copy or reproduction, furnished under
24 the terms hereof, is authenticated by such official seal and

1 certified by the Administrator, such copy or reproduction
2 shall be admitted in evidence equally with the original from
3 which it was made.

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

16 “LIMITATION ON LIABILITIES

17 “SEC. 510. With respect to letters and other intellectual
18 productions (exclusive of material copyrighted or patented)
19 after they come into the custody or possession of the Ad-
20 ministrator, neither the United States nor its agents shall
21 be liable for any infringement of literary property rights
22 or analogous rights arising thereafter out of use of such
23 materials for display, inspection, research, reproduction, or
24 other purposes.

1

“DEFINITIONS

2

“SEC. 511. When used in this title—

3

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

8

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

13

“(c) The term ‘servicing’ means making available for
14 use information in records and other materials in the custody
15 of the Administrator—

16

“(1) by furnishing such records or other materials,
17 or information from such records or other materials, or
18 copies or reproductions thereof to agencies of the Gov-
19 ernment for official use and to the public; and

20

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

23

“(d) The term ‘National Archives of the United
24 States’ means those official records that have been deter-
25 mined by the Archivist to have sufficient historical or other

1 value to warrant their continued preservation by the United
2 States Government, and have been accepted by the Admin-
3 istrator for deposit in his custody;

4 “(e) The term ‘unauthenticated copies’ means exact
5 copies or reproductions of records or other materials that are
6 not certified as such under seal and that need not be legally
7 accepted as evidence; and

8 “(f) The term ‘Archivist’ means the Archivist of the
9 United States.”

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

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

17 (b) striking out, in section 208 (a) thereof, the
18 expression “and V”, and inserting in lieu thereof the
19 expression “V, and VI”;

20 (c) striking out, in section 208 (b) thereof, the
21 expression “and V”, and inserting in lieu thereof the
22 expression “V, and VI”;

23 (d) striking out the word “and” at the end of
24 paragraph (30) of section 602 (a); striking out the
25 period at the end of paragraph (31) of section 602 (a)

1 and inserting in lieu thereof a semicolon; and adding
2 at the end of section 602 (a) the following new
3 paragraphs:

4 “(32) the Act entitled ‘An Act to establish a
5 National Archives of the United States Government,
6 and for other purposes’, approved June 19, 1934 (48
7 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a,
8 300c-k); and

9 “(33) section 4 of the Act of February 3, 1905
10 (33 Stat. 687, as amended; 5 U. S. C. 77).”

11 (e) amending subsections 602 (b) and (c) thereof
12 to read as follows:

13 “(b) There are hereby superseded—

14 “(1) the provisions of the first, third, and fifth
15 paragraphs of section 1 of Executive Order Numbered
16 6166 of June 10, 1933, insofar as they relate to any
17 function now administered by the Bureau of Federal
18 Supply except functions with respect to standard con-
19 tract forms; and

20 “(2) sections 2 and 4 of the Act entitled ‘An Act
21 to provide for the disposal of certain records of the
22 United States Government’, approved July 7, 1943
23 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369),
24 to the extent that the provisions thereof are inconsistent
25 with the provisions of title V of this Act.

1 “(c) The authority conferred by this Act shall be in
2 addition and paramount to any authority conferred by any
3 other law and shall not be subject to the provisions of any law
4 inconsistent herewith, except that sections 205 (b) and
5 206 (c) of this Act shall not be applicable to any Govern-
6 ment corporation or agency which is subject to the Govern-
7 ment Corporation Control Act (59 Stat. 597; 31 U. S. C.
8 841).”

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

11 “(17) the Central Intelligence Agency;

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

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

22 (g) striking out the period at the end of section
23 603 (a) thereof and inserting in lieu thereof a comma
24 and the following: “including payment in advance, when
25 authorized by the Administrator, for library member-

1 ships in societies whose publications are available to
2 members only, or to members at a price lower than
3 that charged to the general public.”

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

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

12 (b) Section 201 (b) of the Federal Property and
13 Administrative Services Act of 1949 is amended by striking
14 out the expression “or the Senate, or the House of Repre-
15 sentatives,”.

16 (c) Section 602 of the Federal Property and Admin-
17 istrative Services Act of 1949 is amended by redesignating
18 subsection (e) thereof as subsection (f), and inserting,
19 immediately after subsection (d) thereof, the following new
20 subsection:

21 “(e) No provision of this Act as originally enacted
22 or as subsequently amended shall apply to the Senate or
23 the House of Representatives (including the Architect of
24 the Capitol and any building, activity, or function under his
25 direction), but any of the services and facilities authorized

1 by this Act to be rendered or furnished shall, as far as prac-
2 ticable, be made available to the Senate, the House of Repre-
3 sentatives, or the Architect of the Capitol, upon their re-
4 quest. If payment would be required for the rendition
5 or furnishing of a similar service or facility to an executive
6 agency, payment therefor shall be made by the recipient
7 thereof, upon presentation of proper vouchers, in advance or
8 by reimbursement (as may be agreed upon by the Admin-
9 istrator and the officer or body making such request). Such
10 payment may be credited to the applicable appropriation
11 of the executive agency receiving such payment. Notwith-
12 standing the provisions of this subsection, subsection 210
13 (b) and subsection 210 (c) of this Act shall not apply to
14 any building, project or grounds, or to any activity, hereto-
15 fore placed under the Architect of the Capitol by any
16 provision of law.”

17 SEC. 9. The Federal Property and Administrative Serv-
18 ices Act of 1949, section 205 (h), is hereby amended by
19 striking out the last word of the sentence “title” and insert-
20 ing in lieu thereof the word “Act”.

21 SEC. 10. (a) Whenever any contract made on behalf
22 of the Government by the head of any Federal agency, or
23 by officers authorized by him so to do, includes a provision
24 for liquidated damages for delay, the Comptroller General
25 upon recommendation of such head is authorized and em-

1 powered to remit the whole or any part of such damages
2 as in his discretion may be just and equitable.

3 (b) Section 306 of the Federal Property and Adminis-
4 trative Services Act of 1949, is hereby repealed, and this sec-
5 tion shall be effective as of July 1, 1949.

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

Calendar No. 2140

81ST CONGRESS
2^D SESSION

S. 3959

[Report No. 2140]

A BILL

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

By Mr. McCLELLAN

JULY 24 (legislative day, JULY 20), 1950
Read twice and ordered to be placed on the calendar