

Union Calendar No. 973

81ST CONGRESS
2^D SESSION

H. R. 9129

[Report No. 2747]

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1950

Mr. BOLLING introduced the following bill; which was referred to the Committee on Expenditures in the Executive Departments

JULY 26, 1950

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

[Omit the part struck through and insert the part printed in italic]

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
5 the Federal Property and Administrative Services Act of
6 1949 (Public Law 152, Eighty-first Congress) is amended
7 to read as follows:
8 “(including the purchase from or through the Public Printer,
9 for warehouse issue, of standard forms, blankbook work,
10 standard specifications, and other printed material in com-

1 mon use by Federal agencies not available through the
2 Superintendent of Documents).”

3 SEC. 2. (a) Clause (2) of the final sentence of sub-
4 section (a) of section 109 of the Federal Property and
5 Administrative Services Act of 1949, as hereinbefore
6 amended, is amended to read as follows: “(2) for paying
7 the purchase price, transportation to first storage point of
8 supplies and services, and the cost of personal services em-
9 ployed directly in the repair, rehabilitation, and conversion
10 of personal property.”

11 (b) The third sentence of subsection (b) of section
12 109 of such Act is amended to read as follows: “On and
13 after such date, such prices shall be fixed at levels so as to
14 recover so far as practicable the applicable purchase price,
15 the transportation cost to first storage point, inventory losses,
16 the cost of personal services employed directly in the repair,
17 rehabilitation, and conversion of personal property, and the
18 cost of amortization and repair of equipment utilized for
19 lease or rent to executive agencies.”

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

25 SEC. 3. (a) The final sentence of subsection (b) of

1 section 109 of the Federal Property and Administrative
2 Services Act of 1949 is amended to read as follows: "Where
3 an advance of funds is not made, the General Services Ad-
4 ministration shall be reimbursed promptly out of funds of the
5 requisitioning agency in accordance with accounting pro-
6 cedures approved by the Comptroller General: *Provided,*
7 That in any case where payment shall not have been made
8 by the requisitioning agency within forty-five days after
9 the date of billing by the Administrator or the date on which
10 an actual liability for supplies or services is incurred by
11 the Administrator, whichever is the later, reimbursement
12 may be obtained by the Administrator by the issuance of
13 transfer and counterwarrants, or other lawful transfer docu-
14 ments, supported by itemized invoices."

15 (b) Section 109 of the Federal Property and Ad-
16 ministrative Services Act of 1949 is amended by adding
17 at the end thereof the following new subsection:

18 "(g) The Administrator of General Services is author-
19 ized in his discretion to charge vendors and producers of
20 commodities considered for purchase such fees as he shall
21 determine to be reasonable for testing such commodities for
22 conformance to specifications and standards, and such fees
23 may be deposited in the General Supply Fund and used to
24 defray the expenses of conducting such tests as the Adminis-
25 trator may prescribe."

1 SEC. 4. Paragraphs (1) and (2) of section 203 (j) of
2 the Federal Property and Administrative Services Act of
3 1949 are amended to read as follows:

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

15 “(2) Determination whether such surplus property
16 (except surplus property donated in conformity with para-
17 graph (3) of this subsection) is usable and necessary for
18 educational purposes or public health purposes, including
19 research, shall be made by the Federal Security Admin-
20 istrator, who shall allocate such property on the basis of
21 needs and utilization for transfer by the Administrator
22 of General Services to tax-supported medical institutions,
23 hospitals, clinics, health centers, school systems, schools,
24 colleges, and universities, and to other nonprofit medical in-
25 stitutions, hospitals, clinics, health centers, schools, colleges,

1 and universities which have been held exempt from taxation
2 under section 101 (6) of the Internal Revenue Code,
3 or to State departments of education or health for dis-
4 tribution to such tax-supported and nonprofit medical insti-
5 tutions, hospitals, clinics, health centers, school systems,
6 schools, colleges, and universities; except that in any State
7 where another agency is designated by State law for such
8 purpose such transfer shall be made to said agency for such
9 distribution within the State.”

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

12 (a) redesignating section 210 thereof as section
13 212, and wherever such section number appears in such
14 Act as originally enacted, it is amended to conform to
15 the redesignation prescribed by this subsection;

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

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

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

21 “OPERATION OF BUILDINGS AND RELATED ACTIVITIES

22 “SEC. 210. (a) Whenever and to the extent that the
23 Administrator has been or hereafter may be authorized by

1 any provision of law other than this subsection to main-
2 tain, operate, and protect any building, property, or grounds
3 situated in or outside the District of Columbia, including the
4 construction, repair, preservation, demolition, furnishing, and
5 equipment thereof, he is authorized in the discharge of the
6 duties so conferred upon him—

7 “(1) to purchase, repair, and clean uniforms for
8 civilian employees of the General Services Administra-
9 tion who are required by law or regulation to wear
10 uniform clothing;

11 “(2) to furnish arms and ammunition for the pro-
12 tection force maintained by the General Services Ad-
13 ministration;

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

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

25 “(5) without regard to the provisions of section 322

1 of the Act of June 30, 1932 (47 Stat. 412), as amend-
2 ed, to pay rental, and to make repairs, alterations, and
3 improvements under the terms of any lease entered into
4 by, or ~~transfer~~ *transferred* to, the General Service Ad-
5 ministration for the housing of any Federal agency which
6 on June 30, 1950, was specifically exempted by law from
7 to requirements of said section;

8 “(6) to obtain payments, through advances or
9 otherwise, for services, space, quarters, maintenance,
10 repair, or other facilities furnished, on a reimbursable
11 basis, to any other Federal agency, or any mixed-owner-
12 ship corporation (as defined in the Government Cor-
13 poration Control Act), or the District of Columbia, and
14 to credit such payments to the applicable appropriation
15 of the General Services Administration;

16 “(7) to make changes in, maintain, and repair the
17 pneumatic tube system connecting buildings owned by
18 the United States or occupied by Federal agencies in
19 New York City installed under franchise of the city of
20 New York, approved June 29, 1909, and June 11,
21 1928, and to make payments of any obligations arising
22 thereunder in accordance with the provisions of the Acts
23 approved August 5, 1909 (36 Stat. 120), and May
24 15, 1928 (45 Stat. 533);

25 “(8) to repair, alter, and improve rented premises,

1 without regard to the 25 per centum limitation of sec-
2 tion 322 of the Act of June 30, 1932 (47 Stat. 412),
3 as amended, upon a determination by the Administrator
4 that by reason of circumstances set forth in such de-
5 termination the execution of such work, without ref-
6 erence to such limitation, is advantageous to the Govern-
7 ment in terms of economy, efficiency, or national
8 security: *Provided, That such determination shall show*
9 *that the total cost (rentals, repairs, alterations, and im-*
10 *provements) to the Government for the expected life of*
11 *the lease shall be less than the cost of alternative space*
12 *which needs no such repairs, alterations, or improve-*
13 *ments.* A copy of every such determination shall be
14 furnished to the General Accounting Office;

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

20 “(10) to furnish utilities and other services where
21 such utilities and other services are not provided from
22 other sources to persons, firms, or corporations occupy-
23 ing or utilizing plants or portions of plants which con-
24 stitute (A) a part of the National Industrial Reserve
25 pursuant to the National Industrial Reserve Act of

1 1948, or (B) surplus real property, and to credit the
2 amounts received therefrom to the applicable appropria-
3 tion of the General Services Administration;

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

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

10 “(b) At the request of any Federal agency or any
11 mixed-ownership corporation (as defined in the Govern-
12 ment Corporation Control Act), or the District of Columbia,
13 the Administrator is hereby authorized to operate, maintain,
14 and protect any building owned by the United States (or,
15 in the case of any wholly owned or mixed-ownership Gov-
16 ernment corporation, by such corporation) and occupied by
17 the agency or instrumentality making such request.

18 “(c) At the request of any Federal agency or any
19 mixed-ownership corporation (as defined in the Govern-
20 ment Corporation Control Act), the District of Columbia,
21 the Administrator is hereby authorized (1) to acquire land
22 for buildings and projects authorized by the Congress; (2)
23 to make or cause to be made, under contract or otherwise,
24 surveys and test borings and to prepare plans and specifica-

1 tions for such buildings and projects prior to the approval by
2 the Attorney General of the title to the sites thereof; and
3 (3) to contract for, and to supervise, the construction and
4 development and the equipping of such buildings or projects.
5 Any sum available to any such Federal agency or instru-
6 mentality for any such building or project may be trans-
7 ferred by such agency to the General Services Administra-
8 tion in advance for such purposes as the Administrator shall
9 determine to be necessary, including the payment of salaries
10 and expenses of personnel engaged in the preparation of
11 plans and specifications or in field supervision, and for gen-
12 eral office expenses to be incurred in the rendition of any
13 such service.

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

23 “(1) of any post-office building unless the Director
24 shall first determine that such building is not used pre-
25 dominantly for post-office purposes, and functions which

1 are transferred hereunder to the Administrator with
2 respect to any post-office building may be delegated by
3 him only to another officer or employee of the General
4 Services Administration or to the Postmaster General;

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

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

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

20 “(5) of the Treasury Building, the Bureau of En-
21 graving and Printing Building, the buildings occupied
22 by the National Bureau of Standards, and the buildings
23 under the jurisdiction of the regents of the Smithsonian
24 Institution; or

25 “(6) of the office buildings of the Senate and House

1 of Representatives, the building occupied by the Su-
2 preme Court of the United States, the buildings occu-
3 pied by the Library of Congress and the Columbia
4 Hospital in the District of Columbia, and any other
5 buildings and grounds under the jurisdiction of the
6 Architect of the Capitol.

7 "MOTOR VEHICLE IDENTIFICATION

8 "SEC. 211. Under regulations prescribed by the Admin-
9 istrator, every motor vehicle acquired and used for official
10 purposes within the United States, its Territories, or posses-
11 sions, by any Federal agency or the District of Columbia
12 shall be conspicuously identified by showing thereon either
13 (a) the full name of the department, establishment, corpo-
14 ration, or agency by which it is used and the service in
15 which it is used, or (b) a title descriptive of the service in
16 which it is used if such title readily identifies the department,
17 establishment, corporation, or agency concerned: *Provided*,
18 That the regulations issued pursuant to this section may
19 provide for exemptions from the requirement of this section
20 when conspicuous identification would interfere with the pur-
21 pose for which a vehicle is acquired and used."

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

24 (a) redesignating "title V" of such Act as "title

1 VI" thereof, and "title V", wherever it appears therein,
2 is amended to read "title VI";

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

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

"TITLE V—FEDERAL RECORDS

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

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

13 "TITLE V—FEDERAL RECORDS

14 "SHORT TITLE

15 "SEC. 501. This title may be cited as the 'Federal Rec-
16 ords Act of 1950'.

17 "CUSTODY AND CONTROL OF PROPERTY

18 "SEC. 502. The Administrator shall have immediate

1 custody and control of the National Archives Building and
2 its contents, and shall have authority to design, construct,
3 purchase, lease, maintain, operate, protect, and improve
4 buildings used by him for the storage of records of Federal
5 agencies in the District of Columbia and elsewhere.

6 "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

7 "SEC. 503. (a) There is hereby created a National
8 Historical Publications Commission consisting of the
9 Archivist (or an alternate designated by him), who shall
10 be Chairman; the Librarian of Congress (or an alternate
11 designated by him); one Member of the United States
12 Senate to be appointed, for a term of four years, by the
13 President of the Senate; one Member of the House of
14 Representatives to be appointed, for a term of two years,
15 by the Speaker of the House of Representatives; one repre-
16 sentative of the judicial branch of the Government to be
17 appointed, for a term of four years, by the Chief Justice
18 of the United States; one representative of the Department of
19 State to be appointed, for a term of four years, by the Secre-
20 tary of State; one representative of the Department of De-
21 fense to be appointed, for a term of four years, by the Secre-
22 tary of Defense; two members of the American Historical
23 Association to be appointed *by the* council of the said associa-
24 tion, one of whom shall serve an initial term of two years and
25 the other an initial term of three years, but their successors

1 shall be appointed for terms of four years; and two other
2 members outstanding in the fields of the social or physical
3 sciences to be appointed by the President of the United
4 States, one of whom shall serve an initial term of one year
5 and the other an initial term of three years, but their suc-
6 cessors shall be appointed for terms of four years. The
7 Commission shall meet annually and on call of the
8 Chairman.

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

14 “(c) The Commission is authorized to appoint, without
15 reference to the Classification Act of 1949 (Public Law
16 429, 81st Congress, approved October 28, 1949), an execu-
17 tive director and such editorial and clerical staff as the Com-
18 mission may determine to be necessary. Members of the
19 Commission who represent any branch or agency of the
20 Government shall serve as members of the Commission
21 without additional compensation. All members of the Com-
22 mission shall be reimbursed for transportation expenses
23 incurred in attending meetings of the Commission, and all
24 such members other than those who represent any branch
25 or agency of the Government of the United States shall

1 receive in lieu of subsistence en route to or from or at the
2 place of such service, for each day actually spent in connec-
3 tion with the performance of their duties as members of
4 such Commission, such sum, not to exceed \$25, as the
5 ~~Administrator~~ *Commission* shall prescribe.

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

21 “FEDERAL RECORDS COUNCIL

22 “SEC. 504. The Administrator shall establish a Federal
23 Records Council, and shall advise and consult with the
24 Council with a view to obtaining its advice and assistance
25 in carrying out the purposes of this title. The Council shall

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

21 "RECORDS MANAGEMENT; THE ADMINISTRATOR

22 "SEC. 505. (a) The Administrator shall make provi-
23 sions for the economical and efficient management of records
24 of Federal agencies (1) by analyzing, developing, promot-

1 ing, and coordinating standards, procedures, and techniques
2 designed to improve the management of records, to insure
3 the maintenance and security of records deemed appropriate
4 for preservation, and to facilitate the segregation and dis-
5 posal of records of temporary value, and (2) by promoting
6 the efficient and economical utilization of space, equipment,
7 and supplies needed for the purpose of creating, maintaining,
8 storing, and servicing records.

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

20 “(c) The Administrator is authorized to inspect or
21 survey personally or by deputy the records of any Federal
22 agency, as well as to make surveys of records management
23 and records disposal practices in such agencies, and shall be
24 given the full cooperation of officials and employees of agen-

1 cies in such inspections and surveys: *Provided*, That records,
2 the use of which is restricted by or pursuant to law or for
3 reasons of national security or the public interest, shall be
4 inspected or surveyed in accordance with regulations promul-
5 gated by the Administrator, subject to the approval of the
6 head of the custodial agency.

7 “(d) The Administrator is authorized to establish,
8 maintain, and operate records centers for the storage, proc-
9 essing, and servicing of records for Federal agencies pending
10 their deposit with the National Archives of the United States
11 or their disposition in any other manner authorized by law;
12 and to establish, maintain, and operate centralized micro-
13 filming services for Federal agencies.

14 “(e) Subject to applicable provisions of law, the Ad-
15 ministrator shall promulgate regulations governing the
16 transfer of records from the custody of one executive agency
17 to that of another.

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

1 “RECORDS MANAGEMENT; AGENCY HEADS

2 “SEC. 506. (a) The head of each Federal agency shall
3 cause to be made and preserved records containing adequate
4 and proper documentation of the organization, functions,
5 policies, decisions, procedures, and essential transactions of
6 the agency and designed to furnish the information necessary
7 to protect the legal and financial rights of the Government
8 and of persons directly affected by the agency's activities.

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

22 “(c) Whenever the head of a Federal agency deter-
23 mines that substantial economies or increased operating
24 efficiency can be effected thereby, he shall provide for
25 the storage, processing, and servicing of records that

1 are appropriate therefor in a records center maintained
2 and operated by the Administrator or, when approved by
3 the Administrator, in such a center maintained and operated
4 by the head of such Federal agency.

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

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

21 “(f) The head of each Federal agency shall notify
22 the Administrator of any actual, impending, or threatened
23 unlawful removal, defacing, alteration, or destruction of
24 records in the custody of the agency of which he is the

1 head that shall come to his attention, and with the assist-
2 ance of the Administrator shall initiate action through the
3 Attorney General for the recovery of records he knows or
4 has reason to believe have been unlawfully removed from
5 his agency, or from any other Federal agency whose records
6 have been transferred to his legal custody.

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

13 “ARCHIVAL ADMINISTRATION

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

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

22 “(2) to direct and effect, with the approval of the
23 head of the originating agency (or if the existence of
24 such agency shall have been terminated, then with the
25 approval of his successor in function, if any), the trans-

1 fer of records deposited (or approved for deposit) with
2 the National Archives of the United States to public
3 or educational institutions or associations: *Provided*,
4 That the title to such records shall remain vested in the
5 United States unless otherwise authorized by Congress;
6 and

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

11 “(b) The Administrator shall be responsible for the
12 custody, use, and withdrawal of records transferred to him:
13 *Provided*, That whenever any records the use of which is
14 subject to statutory limitations and restrictions are so trans-
15 ferred, permissive and restrictive statutory provisions with
16 respect to the examination and use of such records applicable
17 to the head of the agency from which the records were
18 transferred or to employees of that agency shall thereafter
19 likewise be applicable to the Administrator, the Archivist,
20 and to the employees of the General Services Administra-
21 tion, respectively: *Provided further*, That whenever the head
22 of any agency shall specify in writing restrictions that appear
23 to him to be necessary or desirable in the public interest,
24 on the use or examination of records being considered for
25 transfer from his custody to the Administrator, the Ad-

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

1 “(c) The Administrator shall make provisions for the
2 preservation, arrangement, repair and rehabilitation, dupli-
3 cation and reproduction (including microcopy publications),
4 description, and exhibition of records transferred to him as
5 may be needful or appropriate, including the preparation
6 and publication of inventories, indexes, catalogs, and other
7 finding aids or guides facilitating their use; and, when ap-
8 proved by the National Historical Publications Commission,
9 he may also publish such historical works and collections of
10 sources as seem appropriate for printing or otherwise record-
11 ing at the public expense.

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

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

18 “(1) the personal papers and other personal his-
19 torical documentary materials of the present President of
20 the United States, his successors, heads of executive de-
21 partments, and such other officials of the Government
22 as the President may designate, offered for deposit under
23 restrictions respecting their use specified in writing by
24 the prospective depositors: *Provided*, That restrictions
25 so specified on such materials, or any portions thereof, .

1 accepted by the Administrator for such deposit shall
2 have force and effect during the lifetime of the depositor
3 or for a period not to exceed twenty-five years, which-
4 ever is longer, unless sooner terminated in writing by the
5 depositor or his legal heirs: *And provided further*, That
6 the Archivist determines that the materials accepted for
7 such deposit will have continuing historical or other
8 values;

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

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

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

“REPORTS

1

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

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

15 “LEGAL STATUS OF REPRODUCTIONS

16 “SEC. 509. (a) Whenever any records that are re-
17 quired by statute to be retained indefinitely have been
18 reproduced by photographic, microphotographic, or other
19 processes, in accordance with standards established by the
20 Administrator, the indefinite retention of such photographic,
21 microphotographic, or other reproductions will be deemed to
22 constitute compliance with the statutory requirement for the
23 indefinite retention of such original records. Such reproduc-

1 tions, as well as reproductions made in compliance with
2 regulations promulgated to carry out this title, shall have
3 the same legal status as the originals thereof.

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

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

23 “LIMITATION ON LIABILITY

24 “SEC. 510. With respect to letters and other intellectual
25 productions (exclusive of material copyrighted or pat-

1 ented) after they come into the custody or possession of
2 the Administrator, neither the United States nor its agents
3 shall be liable for any infringement of literary property rights
4 or analogous rights arising thereafter out of use of such
5 materials for display, inspection, research, reproduction, or
6 other purposes.

7 "DEFINITIONS

8 "SEC. 511. When used in this title—

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

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

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

22 "(1) by furnishing such records or other materials,
23 or information from such records or other materials, or
24 copies or reproductions thereof to agencies of the Govern-
25 ment for official use and to the public; and

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

4 “(d) The term ‘National Archives of the United
5 States’ means those official records that have been deter-
6 mined by the Archivist to have sufficient historical or other
7 value to warrant their continued preservation by the United
8 States Government’, and have been accepted by the Admin-
9 istrator for deposit in his custody;

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

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

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

18 (a) striking out the word “and” preceding “(2)”
19 in subsection (d) of section 3 thereof; substituting a
20 semicolon for the period at the end of said subsection;
21 and adding at the end of such subsection the following:
22 “and (3) records of the Federal ~~Government~~”; *Gov-*
23 *ernment.*”;

24 (b) striking out, in section 208 (a) thereof, the

1 expression "and V", and inserting in lieu thereof the
2 expression "V, and VI";

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

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

12 "(32) the Act entitled 'An Act to establish a
13 National Archives of the United States Government,
14 and for other purposes', approved June 19, 1934 (48
15 Stat. ~~1122-1124~~; ~~1122-1124~~, as amended; 44 U. S. C.
16 300, 300a, ~~300c-k~~; 300c-k); and

17 "(33) section 4 of the Act of February 3, 1905
18 (33 Stat. 687, as amended; 5 U. S. C. 77)."

19 (e) amending subsections 602 (b) and (c) thereof
20 to read as follows:

21 "(b) There are hereby superseded—

22 "(1) the provisions of the first, third, and fifth
23 paragraphs of section 1 of Executive Order Numbered
24 6166 of June 10, 1933, insofar as they relate to any

1 function now administered by the Bureau of Federal
2 Supply except functions with respect to standard con-
3 tract forms; and

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

10 “(c) The authority conferred by this Act shall be
11 in addition and paramount to any authority conferred by any
12 other law and shall not be subject to the provisions of any
13 law inconsistent herewith, except that sections 205 (b) and
14 206 (c) of this Act shall not be applicable to any Govern-
15 ment corporation or agency which is subject to the Govern-
16 ment Corporation Control Act (59 Stat. 597; 31 U. S. C.
17 841).”

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

20 “(17) the Central Intelligence Agency; or

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

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

6 (g) striking out the period at the end of section
7 603 (a) thereof and inserting in lieu thereof a comma
8 and the following: “including payment in advance, when
9 authorized by the Administrator, for library member-
10 ships in societies whose publications are available to
11 members only, or to members at a price lower than
12 that charged to the general public.”

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

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

21 (b) Section 201 (b) of the Federal Property and
22 Administrative Services Act of 1949 is amended by striking
23 out the expression “or the Senate, or the House of Repre-
24 sentatives,”.

25 (c) Section 602 of the Federal Property and Adminis-

1 trative Services Act of 1949 is amended by redesignating
2 subsection (e) thereof as subsection (f), and inserting,
3 immediately after subsection (d) thereof, the following new
4 subsection:

5 (e) No provision of this Act as originally enacted or
6 as herein amended shall apply to the Senate or the
7 House of Representatives (including the Architect of the
8 Capitol and any building, activity, or function under his
9 direction), but any of the services and facilities authorized
10 by this Act to be rendered or furnished shall, as far as prac-
11 ticable, be made available to the Senate, the House of Repre-
12 sentatives, or the Architect of the Capitol, upon their re-
13 quest, and, if payment would be required for the rendition
14 or furnishing of a similar service or facility to an executive
15 agency, payment therefor shall be made by the recipient
16 thereof, upon presentation of proper vouchers, in advance
17 or by reimbursement (as may be agreed upon by the Ad-
18 ministrator and the officer or body making such request).
19 Such payment may be credited to the applicable appropria-
20 tion of the executive agency receiving such payment."

21 SEC. 9. The Federal Property and Administrative *Serv-*
22 *ices* Act of 1949, section 205 (h), is hereby amended by
23 striking out the last word of the sentence "Title" and insert-
24 ing in lieu thereof the word "Act".

1 SEC. 10. (a) Whenever any contract made on behalf
2 of the Government by the head of any Federal agency, or
3 by officers authorized by him to do so, includes a provision
4 for liquidated damages for delay, the Comptroller General
5 upon recommendation of such head is authorized and em-
6 powered to remit the whole or any part of such damages as
7 in his discretion may be just and equitable.

8 (b) Section 306 of the Federal Property and Adminis-
9 trative Services Act of 1949, is hereby repealed, and this
10 section shall be effective as of July 1, 1949.

11 SEC. 11. All laws or parts of laws in conflict with the
12 amendments made by this Act are, to the extent of such
13 conflict, hereby repealed.

Union Calendar No. 973

81st CONGRESS
2d SESSION

H. R. 9129

[Report No. 2747]

A BILL

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

By Mr. BOLLING

JULY 17, 1950

Referred to the Committee on Expenditures in the Executive Departments

JULY 26, 1950

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