Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-third day of January, one thousand nine hundred and eighty-four

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An Act

To establish the National Archives and Records Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Archives and Records Administration Act of 1984".

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

ESTABLISHMENT

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

"§ 2102. Establishment

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

ORGANIZATION AND GENERAL AUTHORITY

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

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

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

"§ 2103. Officers

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

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

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

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

"§ 2104. Administrative provisions

"(a) The Archivist shall prescribe such regulations as the Archivist deems necessary to effectuate the functions of the Archivist, and the head of each executive agency shall cause to be issued such orders and directives as such agency head deems necessary to carry out such regulations.

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

"(c) The Archivist may organize the Administration as the Archivist finds necessary or appropriate.

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

"(e) The Archivist shall cause a seal of office to be made for the Administration of such design as the Archivist shall approve. Judicial notice shall be taken of such seal.

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

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

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

"§ 2105. Personnel and services

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

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

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

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

"§ 2106. Reports to Congress

"The Archivist shall submit to the Congress, in January of each year and at such other times as the Archivist finds appropriate, a report concerning the administration of functions of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund. Such report shall describe—

"(1) program administration and expenditures of funds, both appropriated and nonappropriated, by the Administration, the Commission, and the Trust Fund Board;

"(2) research projects and publications undertaken by Commission grantees, and by Trust Fund grantees, including detailed information concerning the receipt and use of all appropriated and nonappropriated funds;

"(3) by account, the moneys, securities, and other personal property received and held by the National Archives Trust Fund Board, and of its operations, including a listing of the purposes for which funds are transferred to the National Archives and Records Administration for expenditure to other Federal agencies; and

"(4) the matters specified in section 2904(c)(8) of this title.".

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

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

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

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

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

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

"(4) 'Administration' means the National Archives and Records Administration established under section 2102 of this title.".

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

"CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Officers.
"2104. Administrative provisions.
"2105. Personnel and services.
"2106. Reports to Congress.
"2107. Acceptance of records for historical preservation.
"2108. Responsibility for custody, use, and withdrawal of records.
"2109. Preservation, arrangement, duplication, exhibition of records.
"2110. Servicing records.
"2111. Material accepted for deposit.
"2112. Presidential archival depository.
"2113. Depository for agreements between States.
"2114. Preservation of motion-picture films, still pictures, and sound recordings.
"2115. Reports; correction of violations.
"2116. Legal status of reproductions; official seal; fees for copies and reproductions.
"2117. Limitation on liability.
"2118. Records of Congress.".

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

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

TRANSFERS

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

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

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

(c) In the exercise of the functions transferred by this Act and the amendments made by this Act, the Archivist shall have the same authority as had the Administrator of General Services prior to the transfer of such functions, and the actions of the Archivist shall have the same force and effect as when exercised by such Administrator.

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

TRANSFER OF PERSONNEL

SEC. 104. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act and the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. Pursuant to the preceding sentence, there shall be transferred to the Archivist for appropriate allocation (1) for the remainder of fiscal year 1985, an amount equal to not less than $2,760,000 (adjusted to reflect actual salaries and benefits of transferred employees and other costs) from the unexpended balances of the fiscal year 1985 funds and appropriations available to the General Services Administration, and (2) 115.5 full-time equivalent employee positions, of which not less than 30 percent shall be vacant. Unexpended funds transferred pursuant to this subsection shall be used

only for the purposes for which the funds were originally authorized and appropriated.

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

SAVINGS PROVISIONS

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

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

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

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

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

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

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

(e) If, before the date on which this Act takes effect, the General Services Administration or any officer thereof in the official capacity of such officer, is a party to an action, and under this Act or the amendments made by this Act any function in connection with such

action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

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

REFERENCE

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

CONFORMING AMENDMENTS

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

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

(B) by striking out "or of the Congress" in paragraph (1) and inserting in lieu thereof ", the Congress, the Architect of the Capitol, or the Supreme Court";

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 2115. Reports; correction of violations

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

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

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

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

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

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

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

(2) Section 1501 of such title is amended—

(A) by striking out the period at the end of the last paragraph and inserting in lieu thereof a semicolon and "and"; and

(B) by adding at the end thereof the following new paragraph:

"'National Archives of the United States' has the same meaning as in section 2901(11) of this title.".

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

(4) Section 1503 of such title is amended—

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

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

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

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

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

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

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

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

(10) Section 2504 of such title is amended—

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

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

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

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

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

(11) Section 2506 of such title is amended—

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

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

(12)(A) Section 2507 of such title is repealed.

(B) The table of sections for chapter 25 of such title is amended by striking out the item relating to section 2507.

(13) Section 2901 of such title is amended—

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

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

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

(D) by striking out paragraphs (12) and (13) and inserting in lieu thereof the following:

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

"(13) the term 'executive agency' shall have the meaning given such term by section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

"(14) the term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol); and

"(15) the term 'Administrator' means the Administrator of General Services.".

(14) Section 2902(7) of such title is amended by inserting "or the Archivist" after "Administrator".

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

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

(16) Section 2904 of such title is amended to read as follows:

"§ 2904. General responsibilities for records management

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

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

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

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

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

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

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

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

"(6) to conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing sys-

tems and techniques designed to save time and effort in records management;

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

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

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

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

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

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

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

"§ 2906. Inspection of agency records

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

"(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

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

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

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

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

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

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

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

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

(19) Section 3102 of such title is amended—

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

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

(C) by striking out "2701,".

(20) Section 3103 of such title is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Archivist".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Section 102 of such Act is amended—

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

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

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

(4) Section 104 of such Act is amended—

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

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

"(b) The regulations proposed by the Archivist in the report required by subsection (a) shall not take effect until the expiration of the first period of 60 calendar days of continuous session of the Congress after the date of the submission of such regulations to each House of the Congress. For the purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.".

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

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

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

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

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

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

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

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

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

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

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

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

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

"Archivist of the United States.".

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

DEFINITIONS

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

(1) the term "Archivist" means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 102(a)(2) of this Act;

(2) the term "Administration" means the National Archives and Records Administration established under section 2102 of such title (as amended by section 101 of this Act); and

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

TITLE II—ADMINISTRATIVE PROVISIONS

COPYING AND AUTHENTICATING CHARGES

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

"(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to his custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National

Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.".

NATIONAL ARCHIVES TRUST FUND BOARD

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

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

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

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

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

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

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

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

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

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

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

"§ 2305. Acceptance of gifts

"The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connec-

tion with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.".

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

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

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

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

"2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees.".

SECURITY OF RECORDS

SEC. 203. (a) Section 2905(a) of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.".

(b) Section 3106 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.".

PUBLIC NOTICE

SEC. 204. Section 3303a(a) of title 44, United States Code, is amended by inserting ", after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon" immediately after "may" in the second sentence thereof.

TITLE III—GENERAL PROVISIONS

EFFECTIVE DATE

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

SPENDING AUTHORITY

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

Thomas P O'Neill Jr.

Speaker of the House of Representatives.

Strom Thurmond

~~*Vice President of the United States and*~~ *President of the Senate* Pro Tempore.

APPROVED

OCT 19 1984

Ronald Reagan

I certify that this Act originated in the Senate.

Secretary.