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APPROVED
AUG 19 1976

88/19/76

THE WHITE HOUSE
WASHINGTON
August 14, 1976

ACTION
Last Day: August 23

Posted
8/21/76

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *J.C. Cannon*
SUBJECT: H.R. 10374 - Membership on National Archives Trust Fund Board

Archives
8/22/76

Attached for your consideration is H.R. 10374, sponsored by Representative Brooks.

The enrolled bill would change the membership of the National Archives Trust Fund Board by substituting the chairman of the House Committee on Government Operations for the chairman of the House Post Office and Civil Service Committee as a member of the Board.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 10374 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10374 - Membership on National
Archives Trust Fund Board
Sponsor - Rep. Brooks (D) Texas

Last Day for Action

August 23, 1976 - Monday

Purpose

To change the membership of the National Archives Trust Fund Board.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration
Department of Justice

Approval (informally)
No recommendation

Discussion


The National Archives Trust Fund Board was established by the Act of July 9, 1941, to receive and administer gifts or bequests for the benefit of, or in connection with, the National Archives, its collections, or its services. This legislation was designed to permit the Archivist of the United States to accept on a continuing basis private donations to the National Archives for specific work for which appropriations were not available.

The National Archives Trust Fund Board consists by statute of the Archivist of the United States, as Chairman, and the respective chairmen of the House and Senate Post Office and Civil Service Committees. Current law (44 U.S.C. 2301) states that membership

on the Board is not an office within the meaning of the statutes of the United States. As Chairman of the Board, the Archivist of the United States is the sole executive officer. The functions and duties of the two congressional members of the Board are largely ministerial and advisory.

The trust funds are invested by the Treasury. Income from trust funds as well as income from the sale of publications and releases, which the Chairman may authorize at a price which will cover their cost plus 10 percent, is covered into the National Archives Trust Fund account in the Treasury. All disbursements by Treasury from the Fund must be authorized by the Archivist as Chairman of the Board.

The enrolled bill would alter the membership of the National Archives Trust Fund Board by substituting the chairman of the House Committee on Government Operations for the chairman of the House Post Office and Civil Service Committee as a member of the Board. H.R. 10374 was introduced at the behest of Representative David Henderson, Chairman of the House Post Office and Civil Service Committee and thus, ex officio, a member of the National Archives Trust Fund Board, to reflect the change in the Rules of the House of Representatives, adopted by the 94th Congress, which shifted the legislative jurisdiction for the National Archives from the House Post Office and Civil Service Committee to the House Committee on Government Operations.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Sarah Massengale *mm* cc (for information): Jack Marsh
 Max Friedersdorf *on* Jim Cavanaugh
 Ken Lazarus *mm* Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT:

H.R. 10374 - Membership on National Archives
 Trust Fund Board

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



August 13, 1976

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

By letter of August 12, 1976, you requested the views of the General Services Administration (GSA) on enrolled bill H.R. 10374, "To amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board."

GSA strongly endorses presidential approval of this bill.

Sincerely,


TERRY CHAMBERS
DEPUTY ADMINISTRATOR

Department of Justice
Washington, D.C. 20530

August 13, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.

Dear Mr. Lynn:

In compliance with your request the Department of Justice has examined a facsimile of the enrolled bill, H.R. 10374, "To amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board.

The enrolled bill would substitute the Chairman of the House Committee on Government Operations for the Chairman of the House Committee on Post Office and Civil Service on the Board.

Whether this bill should receive Executive approval involves policy issues on which the Department of Justice makes no recommendation.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Sarah Massengale
Max Friedersdorf *RKW* cc (for information): Jack Marsh
Ken Lazarus Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT: H.R. 10374 - Membership on National Archives
Trust Fund Board

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Sarah Massengale
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
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SUBJECT: H.R. 10374 - Membership on National Archives
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ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

8/13/74
no objection
BMC for KL

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 10374 - Membership on National
Archives Trust Fund Board
Sponsor - Rep. Brooks (D) Texas

Last Day for Action

August 23, 1976 - Monday

Purpose

To change the membership of the National Archives Trust Fund Board.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration
Department of Justice

Approval (Informally)
No recommendation

Discussion

The National Archives Trust Fund Board was established by the Act of July 9, 1941, to receive and administer gifts or bequests for the benefit of, or in connection with, the National Archives, its collections, or its services. This legislation was designed to permit the Archivist of the United States to accept on a continuing basis private donations to the National Archives for specific work for which appropriations were not available.

The National Archives Trust Fund Board consists by statute of the Archivist of the United States, as Chairman, and the respective chairmen of the House and Senate Post Office and Civil Service Committees. Current law (44 U.S.C. 2301) states that membership

on the Board is not an office within the meaning of the statutes of the United States. As Chairman of the Board, the Archivist of the United States is the sole executive officer. The functions and duties of the two congressional members of the Board are largely ministerial and advisory.

The trust funds are invested by the Treasury. Income from trust funds as well as income from the sale of publications and releases, which the Chairman may authorize at a price which will cover their cost plus 10 percent, is covered into the National Archives Trust Fund account in the Treasury. All disbursements by Treasury from the Fund must be authorized by the Archivist as Chairman of the Board.

The enrolled bill would alter the membership of the National Archives Trust Fund Board by substituting the chairman of the House Committee on Government Operations for the chairman of the House Post Office and Civil Service Committee as a member of the Board. H.R. 10374 was introduced at the behest of Representative David Henderson, Chairman of the House Post Office and Civil Service Committee and thus, ex officio, a member of the National Archives Trust Fund Board, to reflect the change in the Rules of the House of Representatives, adopted by the 94th Congress, which shifted the legislative jurisdiction for the National Archives from the House Post Office and Civil Service Committee to the House Committee on Government Operations.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

CHANGING THE MEMBERSHIP OF THE NATIONAL ARCHIVES TRUST FUND BOARD

MARCH 31, 1976.—Referred to the House Calendar and ordered to be printed

Mr. BROOKS, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H.R. 10374]

The Committee on Government Operations, to whom was referred the bill (H.R. 10374) to amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board, having considered the same, report favorably thereon without an amendment and recommend that the bill do pass.

PURPOSE

The purpose of H.R. 10374 is to change the membership of the National Archives Trust Fund Board by substituting the Chairman of the House Committee on Government Operations for the Chairman of the House Committee on Post Office and Civil Service. The substitution is consistent with a change in the rules of the House of Representatives, which transferred the legislative jurisdiction of the National Archives from the Committee on Post Office and Civil Service to the Committee on Government Operations. The rules change was effected by the passage of H. Res. 988 of the 93rd Congress and adopted by the 94th Congress.

NATIONAL ARCHIVES TRUST FUND BOARD

LEGISLATIVE HISTORY

The National Archives Trust Fund Board was established by the act of July 9, 1941 (55 Stat. 581; now codified as 44 U.S.C. Chapter 23), to receive and administer gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the National Archives, its collections, or its services. The act was passed to permit the Archivist of the United States to accept, without special legislation, private donations to the National Archives to enable it to undertake specific work for which appropriations were not available.

As originally established, the Board consisted of the Archivist of the United States, as chairman, and the chairmen of the House and Senate Library Committees, but with the Legislative Reorganization of 1946, the chairmen of the House and Senate Post Office and Civil Service Committees became members of the Board since jurisdiction over the National Archives was transferred to those committees.

In 1948, the National Archives Act was amended to provide that all fees collected by the Archivist of the United States for furnishing reproductions or copies of records in his custody be paid into the National Archives Trust Fund. This created a revolving fund from which reproductions of records could be financed and expanded the National Archives' capability to serve scholars and the public.

The Federal Property and Administrative Services Act of 1949 (63 Stat. 381) transferred the National Archives Establishment and the National Archives Trust Fund Board to the General Services Administration. The act specified, however, that the Archivist of the United States would remain chairman of the National Archives Trust Fund Board and that the authority of the Administrator of General Services under section 106 of the act would not extend to the Board or its functions.

By joint resolution of August 12, 1955 (69 Stat. 695), Congress authorized the acceptance and establishment of Presidential libraries and provided that the Administrator could accept gifts and bequest of money or property, collect fees for admission to library exhibit areas and for reproductions of historical materials, and deposit such gifts and fees into the National Archives Trust Fund to be administered as part of that fund for the benefit of the library concerned.

MEMBERSHIP AND RESPONSIBILITIES

The current members of the National Archives Trust Fund Board are: James B. Rhoads, Archivist of the United States, Chairman; Gale W. McGee, Chairman, Senate Committee on Post Office and Civil Service; David N. Henderson, Chairman, House of Representatives Committee on Post Office and Civil Service. The Board operates under the authority of 44 U.S.C. Chapter 23 and in accordance with bylaws adopted by the Board. The Board meets annually to discuss the previous year's Trust Fund activities, to review proposed new projects and activities, and to review all gifts made to the Trust Fund during the year. Special meetings may be called by the Chairman and at the request of any member to discuss important matters that arise during the year. The annual report to the Board, prepared by the Secretary, describes the activities of the Board and the financial condition of the Trust Fund.

TRUST FUND FINANCED ACTIVITIES

In 1948 a grant of \$20,000 from the Rockefeller Foundation enabled the National Archives to develop and expand two programs that were the primary Trust Fund activities until recent years; the microfilm publication program and the reproduction of records for researchers. Under the microfilm publication program, the National Archives microfirms certain groups of records in its custody that have high research value, and sells positive microfilm copies to institutions and individuals at moderate prices. By 1974 more than 104,000 rolls of

master negative microfilm had been produced and the copies were available for sale. Several other types of reproduction services are provided including electrostatic copying, photostating of paper records, duplication of movies and sound recordings, and making slides and photographs of audiovisual records. The Trust Fund also finances a facsimile publications program, and admission fees charged at some of the Presidential libraries help support the museum activities there.

Other more recent activities financed by the revolving funds of the National Archives Trust Fund are the National Audiovisual Center, and the publication of Prologue: The Journal of the National Archives, a scholarly journal containing articles based on National Archives holdings and information about the holdings of the National Archives and Presidential libraries. Major foundation grants to the Trust Fund are financing a program to index the Papers of the Continental Congress and supporting documentary publication projects sponsored by the National Historical Publications and Records Commission.

COMMITTEE VOTE

At a meeting of the full Committee on Government Operations on March 25, 1976, a quorum being present, H.R. 10374, as amended, was approved by voice vote.

COST ESTIMATE

It is the committee's view that this bill creates no additional costs over those already authorized by the Congress.

REVIEW OF EXISTING LAW

In compliance with subdivision (A) of clause 2(1)(3) of House Rule XI, the Subcommittee on Legislation and National Security of this committee reviewed the application and administration of the laws relating to the National Archives Trust Fund Board and determined that legislation should be enacted in the manner set forth in the bill.

ESTIMATES OF THE CONGRESSIONAL BUDGET OFFICE

With respect to subdivision (C) of clause 2(1)(3) of House Rule XI, the committee advises that it has received no estimate or comparison prepared by the Director of the Congressional Budget Office relative to any provision of H.R. 10374.

INFLATIONARY IMPACT

In compliance with clause 2(1)(4) of House Rule XI, it is the opinion of this committee that the provisions of this bill have no inflationary impact on prices and costs in the operation of the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 2301 OF TITLE 44, UNITED STATES CODE

§ 2301. Establishment of Board; membership.

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the chairman of the House of Representatives [.] Committee on [Post Office and Civil Service] *Government Operations* and the chairman of the Senate Committee on Post Office and Civil Service. The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Board or its functions. Membership on the Board is not an office within the meaning of the statutes of the United States.

U.S. GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 6, 1975.

HON. CARL ALBERT
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Transmitted herewith for referral to the appropriate committee is a draft bill prepared by James B. Rhoads, Chairman of the National Archives Trust Fund Board, at the suggestion of David N. Henderson, Chairman of the House Committee on Post Office and Civil Service, "To amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board."

Under the Rules of the House of Representatives adopted by the 94th Congress, the legislative jurisdiction of the National Archives has been transferred to the House Committee on Government Operations. Consequently, it would be appropriate to reconstruct the membership of the National Archives Trust Fund Board by substituting the Chairman of the House Committee on Government Operations for the Chairman of the House Committee on Post Office and Civil Service.

For reasons stated above, prompt favorable consideration of the enclosed draft bill is recommended. The enactment of this proposed legislation will not require the expenditure of additional Federal funds.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the proposed legislation to the Congress.

Sincerely,

ARTHUR F. SAMPSON,
Administrator.

Enclosure.

A BILL To amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 2301 of title 44, United States Code, is amended by deleting the first sentence and substituting in lieu thereof the following sentence:

"The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the chairman of the House of Representatives Committee on Government Operations and the chairman of the Senate Committee on Post Office and Civil Service."

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2301 of title 44, United States Code, is amended by deleting the first sentence and substituting in lieu thereof the following sentence:

“The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the chairman of the House of Representatives Committee on Government Operations and the chairman of the Senate Committee on Post Office and Civil Service.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*