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**APPROVED**  
**OCT 21 1976**

810/21/76

THE WHITE HOUSE  
WASHINGTON  
October 20, 1976

ACTION

Last Day: October 23

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *JAC*  
SUBJECT: H.R. 13828 - Federal Records Management  
Amendments of 1976

*Posted  
10/21/76*

*Archives  
10/21/76*

Attached for your consideration is H.R. 13828, sponsored by Representative Randall and five others.

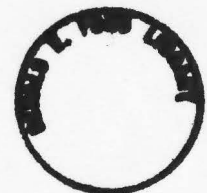
The purpose of the enrolled bill is to update the Federal Records Management Act of 1950 to take account of the explosive growth in and cost of Government recordkeeping and the development over the past 26 years of many new technologies for the creation and handling of records. The bill would revise and modernize the Federal records management program in four principal areas: definitions; records management objectives; general responsibilities of the Administrator of General Services; and other administrative changes.

A detailed explanation of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign H.R. 13828 at Tab B.



OCL 50 212



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

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13828 - Federal Records  
Management Amendments of 1976  
Sponsor - Rep. Randall (D) Missouri and 5 others

Last Day for Action

October 23, 1976 - Saturday

Purpose

To consolidate and modernize the Federal Records Management program.

Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	Approval (Informally)
Department of Treasury	Approval
Department of Defense	Approval (Informally)
United States Department of Agriculture	Approval
Veterans Administration	Approval
Civil Service Commission	Approval
Department of Commerce	No objection
Department of Health, Education, and Welfare	Defers to GSA

Discussion

The enrolled bill would update the Federal Records Management Act of 1950 to take account of the explosive growth in and cost of Government recordkeeping and the development over the past 26 years of many new technologies for the creation and handling of records. To that end, the bill would revise

and modernize the Federal records management program in four principal areas: definitions; records management objectives; general responsibilities of the Administrator of General Services (GSA); and other administrative changes. These four areas are discussed in greater detail below.

### Definitions

The development and adoption of new terms of art since 1950, coupled with the refinement of records management concepts, now make the modification of these terms and concepts desirable. Equally important is the necessity that these new or revised definitions be sufficiently flexible to accommodate future rapid advances in records management technology and administration. H.R. 13828 would define and delineate more precisely the three phases of records management (i.e., records creation, records maintenance and uses and records disposition) and the activities subsumed under each phase. Definitions are also given for the terms "records management study", "inspection" and other records related designations.

### Records Management Objectives

As the need to update definitions has grown over the years, so too has the need to revise and restate the objectives of the Federal Records Management program. H.R. 13828 would list seven program goals to achieve the purpose of "establishing standards and procedures to insure efficient and effective records management" in the Federal Government. The emphasis on specific objectives is designed to correct a deficiency of current law, which omits a clear statement of the results expected from the records management program. This deficiency has meant that the records management efforts of some agencies are largely limited to records maintenance and disposition and fail to cover other parts of the cycle of recorded information, such as records creation, where 80 percent of the total costs of Federal records management is incurred.

### General Responsibilities of the GSA Administrator

To bring the Administrator's responsibilities in line with the updated objectives and definitions, the enrolled bill would specify his duties and authority to create, maintain and use, and dispose of records. It would direct him to provide guidance and assistance to other Federal agencies in these areas, including promoting efficiency, promulgating standards, conducting research, serving as a clearinghouse for records management information, establishing interagency committees as may be necessary, and disseminating information with respect to technological developments.

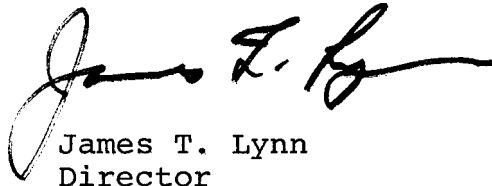
New responsibilities of the Administrator would be to direct the continuing attention of Federal agencies and the Congress to the unnecessary paperwork burden placed on the Government, and to the need for adequate policies governing records creation, maintenance and use, and disposition.

In this connection, the Administrator would be given the authority to conduct records management studies at one or more Federal agencies. At his discretion, he could designate an agency head to conduct studies designed to save time and effort in records management. In addition, the Administrator would be required to report each year to the Congress and to the Director of OMB on the results of these activities, including evaluations of Federal agency responses to recommendations resulting from inspections or studies conducted by him.

### Other Changes

The enrolled bill contains a number of administrative, technical or conforming amendments to the Federal Records Management Act. One significant amendment would allow the Administrator to inspect the records of any Federal agency, except where restricted by law, national security considerations, or the public interest. In such cases, the Administrator's access would be subject to the approval of the agency head or the President.

The bill would also make clear that its provisions do not limit or repeal (1) the GSA Administrator's additional activities pursuant to other laws, nor (2) existing authorities of the Joint Committee on Printing or the Government Printing Office.

A handwritten signature in black ink, appearing to read "James T. Lynn", with a long horizontal flourish extending to the right.

James T. Lynn  
Director

Enclosures



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

To: [Handwritten signature]  
10-18-76  
3:30 p.m.

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13828 - Federal Records  
Management Amendments of 1976  
Sponsor - Rep. Randall (D) Missouri and 5 others

Last Day for Action

October 23, 1976 - Saturday

Purpose

To consolidate and modernize the Federal Records Management program.

Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	Approval (Informally)
Department of Treasury	Approval
Department of Defense	Approval (Informally)
United States Department of Agriculture	Approval
Veterans Administration	Approval
Civil Service Commission	Approval
Department of Commerce	No objection
Department of Health, Education, and Welfare	Defers to GSA

Discussion

The enrolled bill would update the Federal Records Management Act of 1950 to take account of the explosive growth in and cost of Government recordkeeping and the development over the past 26 years of many new technologies for the creation and handling of records. To that end, the bill would revise



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 19

Time: 900pm

FOR ACTION: Lynn May  
Max Friedersdorf  
Bobbie Kilberg

cc (for information):

Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 19

Time: 300pm

SUBJECT:

H.R.13828-Federal Records Management Amendments  
of 1976

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





THE DEPUTY SECRETARY OF THE TREASURY

WASHINGTON, D.C. 20220

OCT 14 1976

Director, Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Attention: Assistant Director for Legislative  
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of H.R. 13828, "To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes."

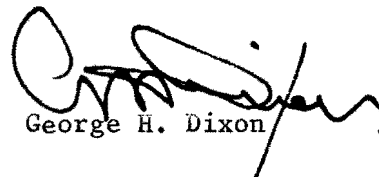
H.R. 13828, the Federal Records Management Amendments of 1976, is designed to clarify, update, consolidate and supplement the authority and responsibility for records management delegated to the Administrator of the General Services Administration (GSA) under the Federal Records Act of 1950 (as amended in 1968).

In our view, this legislation would make needed improvements to existing law, e.g., the more clearly defined responsibilities of the GSA Administrator and the provision for resolution by the President of questions regarding inspection by the Administrator of certain restricted agency records.

Further, Treasury believes that the enrolled bill would not appreciably affect individual agency discretion in the actual creation, maintenance and disposal of records. Based on the language in new section 2904 of title 44, describing the Administrator's role in terms of "guidance and assistance," it is the Treasury's view that in the case of a conflict between the requirements of the GSA Administrator and the needs of an agency, the latter would be recognized as binding.

In view of the foregoing, the Department would support a recommendation that the enrolled enactment be approved by the President.

Sincerely yours,

  
George H. Dixon



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

October 14, 1976

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

Dear Mr. Lynn:

H.R. 13828, an enrolled bill, would amend Title 44, U.S. Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes.

The Department recommends that the bill be signed.

This bill will have no adverse effects on the programs of this Department. It contains some very useful definitions that will set standards for those working in the records management area. The bill sets forth the objectives of records management in a clear and concise manner. It also lists the duties of the Administrator of General Services Administration with respect to records management in a comprehensive way.

The bill also contains provisions to protect the security and privacy of records that may be seen by the employees of the Administrator in making inspections of agency records management practices.

Sincerely,

*John A. Knebel*  
John A. Knebel  
Acting Secretary



VETERANS ADMINISTRATION  
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS  
WASHINGTON, D.C. 20420



October 12, 1976

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

Dear Mr. Lynn:

This will respond to the request of the Assistant Director for Legislative Reference for the views of the Veterans Administration on the enrolled enactment of H. R. 13828, 94th Congress, "An Act To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes."

The subject act would principally update the Federal Records Management Act of 1950, by describing the objectives of the Federal records management system and stating the authority and responsibilities of the General Services Administration in supervising this system. The act would also bring about more effective records management through (1) clear definitions of record management terminology such as "records creation", "records maintenance and use", and "records disposition"; (2) by permitting agency heads to transfer their less inactive records to the National Archives and Records Service; (3) by delegating to the Administrator, General Services Administration, the responsibility of promoting economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management; and (4) by requiring the Administrator to report to Congress each year on Federal agency actions in response to recommendations resulting from inspections or studies conducted.

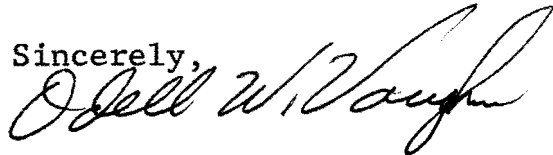
The principal purpose of the act was necessitated because of the soaring costs of handling and maintaining government paperwork and records. One House report indicated that there had been an increase from \$8 billion in 1966

to \$16 billion in 1974. In the same report, it was also noted that both the General Accounting Office and the General Services Administration had indicated that the passage of this act could save approximately \$150 million per year.

Although the Veterans Administration has not previously been asked to comment on H. R. 13828, we believe the potential cost savings and improvement in efficient records management are such as to warrant our support.

We foresee no problems in being able to cooperate with the Administrator of the General Services Administration in fulfilling the purposes of H. R. 13828 and, therefore, recommend its approval by the President.

Sincerely,



**Deputy Administrator - in the absence of**

**RICHARD L. ROUDEBUSH**  
Administrator

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



October 18, 1976

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

Dear Mr. Lynn:

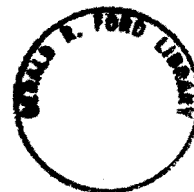
By letter of October 7, 1976, you requested the views of the General Services Administration (GSA) on enrolled bill H.R. 13828, "To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes."

H.R. 13828 strengthens the ability of this agency to assist in making records management in the Federal Government more efficient. More significantly, a yearly savings of one-percent in the efficiency of Federal records management will result in a yearly savings of at least \$150 million. This conservative estimate is based on the fact that GAO reports a \$15 billion spending by the Federal Government in managing the records.

For the reasons stated above, GSA strongly recommends presidential approval of the enrolled bill.

Sincerely,

  
JACK ECKERD  
Administrator





DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

14 OCT 1976

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

Dear Mr. Lynn:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment H. R. 13828, 94th Congress, "To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes."

The Department of the Army on behalf of the Department of Defense recommends approval of the enrolled enactment.

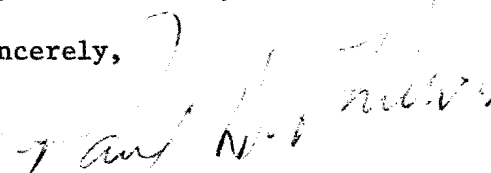
This act is designed to clarify, update, consolidate, and supplement the authority and responsibility for records management delegated to the Administrator of General Services and to Federal agency heads under the Federal Records Act of 1950 (title V of the Federal Property and Administrative Services Act of 1949, as amended). Those provisions appear as part of title 44 of the United States Code and were enacted as positive law in 1968.

The enactment of this measure is recommended because it will strengthen the Government records management program and give the Administrator of General Services better direction without destroying the flexibility that Federal Government agencies need to conduct records management programs tailored to their needs.

Approval of the enactment will cause no apparent increase in budgetary requirements for the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.)

Sincerely,

  
Paul D. Phillips  
Acting Assistant Secretary of the Army  
(Manpower and Reserve Affairs)



UNITED STATES CIVIL SERVICE COMMISSION

IN REPLY PLEASE REFER TO

WASHINGTON, D.C. 20415

October 12, 1976

YOUR REFERENCE

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

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request of October 7, 1976, for our views and recommendations on H.R. 13828, an enrolled bill "To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies and for other purposes."

We view the proposed changes as falling into three major areas:

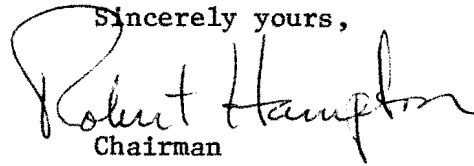
1. Definitions. In the present Act, it was only necessary to define a few concepts. However, the adoption of new words to describe the state of the art and the refinement of concepts and definitions have been necessary to carry out the work of the Federal Records Management Program. The proposed amendments greatly improve on the definitions.
2. Objectives of Records Management. Again as Federal Records Management has grown so has the need for a restatement of the program objectives. The bill makes the paramount objective the establishment of appropriate standards and procedures to insure efficient and effective records management in the Federal Government.
3. General Responsibilities of the Administrator. To bring the Administrator's responsibilities in line with the current thoughts on records management, the bill specifies the responsibilities of the Administrator with respect to the creation, maintenance, use, and disposition of records.

THE MERIT SYSTEM—A GOOD INVESTMENT IN GOOD GOVERNMENT

We agree that proposed changes to the Federal Records Act of 1950 are needed and will have a beneficial impact on the Federal Government's records management program. Therefore, the Commission recommends that the President sign enrolled H.R. 13828.

By direction of the Commission:

Sincerely yours,

A handwritten signature in cursive script that reads "Robert Hampton". The signature is written in black ink and is positioned above the printed name "Robert Hampton".

Robert Hampton

Chairman





**GENERAL COUNSEL OF THE  
UNITED STATES DEPARTMENT OF COMMERCE**  
Washington, D.C. 20230

OCT 8 1976

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

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 13828, an enrolled enactment

"To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes,"

to be cited as the "Federal Records Management Amendments of 1976".

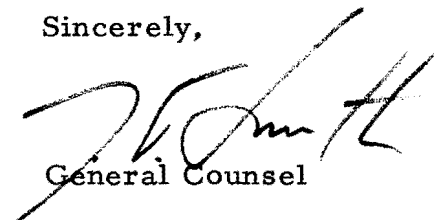
In commenting to the Office of Management and Budget on earlier bills, i. e., H. R. 658, H. R. 2265, and H. R. 4574, the Department expressed opposition to certain provisions contained in these bills, and also questioned the need for legislation for this purpose. We stated our belief that the General Services Administration has sufficient authority under existing law to carry out its responsibility for overseeing records management on a Government-wide basis.

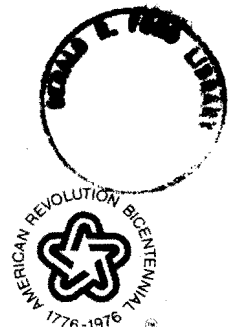
While the enrolled bill satisfies most of the specific objections we raised earlier, we still question the need for such legislation.

However, since H. R. 13828 would not adversely impact on the programs of this Department, we would have no objection to approval by the President of the enrolled bill.

Enactment of this legislation is not expected to involve any increase in the budgetary requirements of this Department.

Sincerely,

  
General Counsel





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OCT 14 1976

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

Dear Mr. Lynn:

This is in reponse to your request for a report on H.R. 13828, an enrolled bill "To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes."

In summary, we believe the bill will clarify the role of the General Services Administration (GSA) in the records management efforts of the Federal Government in a manner that will enable GSA to provide improved paperwork control services to Federal agencies. We defer to GSA, however, as to the detailed effects of the enrolled bill and as to the desirability of its enactment.

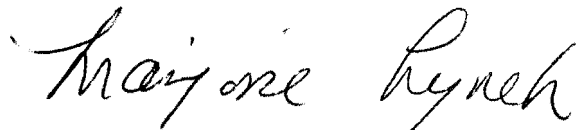
The bill would establish standards and procedures designed to assure efficient and effective records management by Federal agencies. The principal purposes of these standards and procedures would be to control the quantity and quality of government records, to simplify the process of record maintenance, to prevent the creation of unnecessary records, and to provide for the judicious preservation and disposition of records.

Under the bill, the Administrator of General Services would be required to provide guidance and assistance to Federal agencies with respect to records practices. In particular, he would be authorized to promulgate standards for records management, conduct research on that subject, carry out clearinghouse and other interagency activities designed to improve records management, conduct studies into and inspection of agency recordkeeping practices, and carry out other activities designed to achieve the goals of the bill.

The enrolled bill has a number of advantages. It would strengthen and clarify the role of GSA in providing services to Federal agencies with regard to records creation, maintenance and disposition. Without unduly restricting the ability of the heads of other Federal agencies to manage the operations of their agencies, the bill would provide the basis for GSA to make significant contributions to the improvement of records practices through the promulgation of standards, the dissemination of research and experiential information, and the conduct of cooperative efforts relating to recordkeeping.

The bill contains a number of other amendments to title 44, United States Code, with regard to the responsibilities of GSA in the area of record management. Because these amendments are of primary consequence to the operations of that agency, we defer to the Administrator of General Services as to the desirability of the enactment of the enrolled bill.

Sincerely,

A handwritten signature in cursive script that reads "Mayore Lynch". The signature is written in dark ink and is positioned above the typed name.

UnderSecretary

Date: October 18

Time: 900pm

FOR ACTION: Lynn May  
Max Friedersdorf  
Bobbie Kilberg

cc (for information):

Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

---

DUE: Date: October 19

Time: 300pm

---

SUBJECT:

H.R.13828-Federal Records Management Amendments  
of 1976

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

*Recommend Approval.*  
*[Signature]*



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.

James M. Cannon  
For the President

D<sub>e</sub> October 18

Time: 900pm

FOR ACTION: Lynn May  
Max Friedersdorf  
Bobbie Kilberg

cc (for information):

Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

---

DUE: Date: October 19

Time: 300pm

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SUBJECT:

H.R.13828-Federal Records Management Amendments  
of 1976

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

*no objection*

*10/19/76*

*Kilberg*

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.

James M. Cannon  
For the President

## FEDERAL RECORDS MANAGEMENT AMENDMENTS OF 1976

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AUGUST 13, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

### REPORT

[To accompany H.R. 13828]

The Committee on Government Operations, to whom was referred the bill (H.R. 13828) to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### I. STATEMENT OF PURPOSE

H.R. 13828, the Federal Records Management Amendments of 1976 is designed to clarify, update, consolidate, and supplement the authority and responsibility for records management delegated to the Administrator of General Services and to Federal agency heads under the Federal Records Act of 1950 (title V of the Federal Property and Administrative Services Act of 1949, as amended). Those provisions appear as part of title 44 of the United States Code and were enacted as positive law in 1968.

#### II. BACKGROUND

The Federal Records Act of 1950 was, in effect, a prophetic act. It was conceived when there were only a few—and incomplete—records management programs in some agencies and no central records management program. It represented the best available thinking of the time. The Federal Records Management program is now more than 25 years old. During these years, as the program evolved, it has served the Government and the taxpayers well.

Under the original law, the Administrator of General Services has central staff responsibilities for the records management program. They include developing and improving standards, procedures, and

techniques for better records management and disposition. He may make surveys and inspections of agency records management and disposal practices. He is responsible for establishing and operating Federal Records Centers.

However, there has been an explosive growth of Government and the development of many new technologies involved in the creation and handling of records. Computers, office copiers, automatic typewriters, micrographics, and a host of office machines not in use in 1950 have speeded up the production process and have resulted in changing the emphasis and approaches used in records management.

The 1972 hearings by the Senate Select Committee on Small Business<sup>1</sup> and the 1973 General Accounting Office report<sup>2</sup> began to document the burgeoning proportion of the Federal paperwork problem. GAO estimated the Federal Government spent more than \$15 billion on paperwork costs in 1973. This had ballooned from \$8 billion only 7 years earlier (1966) and was 4 times the amount (\$4 billion) spent in 1955. In 1973 more than 11.5 million cubic feet of records were being stored in Federal Records Centers alone. It would take a file drawer stretching from San Francisco to Chicago, New York to Salt Lake City, or Seattle to Dallas to hold all of these records. They would fill the Washington Monument 11.5 times. Total Federal records holdings at that time were estimated to be approximately 30 million cubic feet.

It was clear to members of the committee and the Congress that it was time for the program to be modernized and that congressional desire for strong, clearly defined administrative authority to deal quickly and effectively with today's huge, complex records problem should be reasserted.

During the first session of the 94th Congress, 12 identical or closely related bills sponsored by 71 Members were introduced. All were intended to update and clarify these responsibilities. The various bills were generally grouped under H.R. 4574 or H.R. 2265, respectively introduced by Mr. White and Mr. Archer.

On July 11, 1975, the Government Operations Subcommittee on Government Activities and Transportation held hearings<sup>3</sup> on the Federal records management program. Testimony was received from GSA, GAO, and a Member of Congress. After the hearing, considerable time was spent intensively analyzing the bills, the record, and existing law. This review reaffirmed that, although a wholesale replacement of the present language based on the old Federal Records Act was not necessary, the existing law needed to be modernized for greater effectiveness.

After this study, there were extensive consultations which included the authors of the prior bills, representatives of the Committee on Government Operations, the General Services Administration, the Congressional Research Service, the General Accounting Office, the Joint Committee on Printing, and the Commission on Federal Paperwork. A broad, consensual agreement was reached. On May 17, 1976, Messrs. Randall, Brooks, White, Thone, Horton, and Archer intro-

<sup>1</sup> Cited in hearings p. 116. (See footnote 2.)

<sup>2</sup> Printed in hearings p. 125. (See footnote 2.)

<sup>3</sup> Record Management Legislation, hearing before a subcommittee of the Committee on Government Operations, House of Representatives, 94th Cong., 1st sess., H.R. 4574, H.R. 2265, and related bills, July 11, 1975 (herein referred to as "hearings").

duced H.R. 13828, which provides better and more consistent definitions, a strong declaration of records management objectives, and careful enumeration of the responsibilities of the Administrator of General Services with respect to records management.

On June 4, 1976, the subcommittee unanimously approved H.R. 13828 for full Committee action. At the August 3, 1976, meeting of the full Committee on Government Operations, a quorum being present, H.R. 13828 was favorably reported by voice vote.

### III. DISCUSSION

Since nowhere in the present law is the coverage or scope of the Federal Records Management program fully delineated, four basic areas were studied to achieve the needed consolidation and modernization. They are definitions, records management objectives, general responsibilities of the Administrator of General Services (Administrator), and technical and conforming amendments. Each is discussed below.

#### A. DEFINITIONS

In the present act, it was necessary to define only a few concepts. As the act has been implemented during the last 25 years, the adoption of new words of art and the refinement of concepts and definitions have been necessary to carry on adequately the work of the Federal Records Management program. Sufficient experience with these concepts now makes codification desirable. Of particular importance in the new definitions is the understanding of the three distinct phases of records management: records creation, records maintenance and use, and records disposition. The term "records maintenance and use" means the activities of the records during their useful life—the storage, retrieval or handling of records kept in offices; mail processing; and the equipment and supplies associated with records and copying. "[R]ecords disposition" covers the disposition of obsolete, unneeded records; transfer of records to storage facilities; and final transfer to the National Archives of those records having the necessary historical value. The term "records management study" means an investigation and analysis of records, practices or program for the purpose of improving those procedures, and the term "inspection" deals with measuring the compliance of agency records and programs with the law. The definition of "records" is expanded to include machine-readable materials.

#### B. OBJECTIVES OF RECORDS MANAGEMENT

Again, as the Federal Records Management program has grown from its inception, so has the need to set forth the objectives of the program in a comprehensive, understandable fashion. The bill declares that the paramount objective is to require the establishment of appropriate standards and procedures to insure there is efficient and effective records management throughout the Federal Government. It enunciates the general needs of Federal records and goals so that a balance can be struck between developing efficient, effective records management, and the substantive need for Federal records.

These goals are best described by the bill itself and are mandated as follows:

(1) Accurate and complete documentation of the policies and transactions of the Federal Government.

(2) Control of the quantity and quality of records produced by the Federal Government.

(3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of the agency.

(4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.

(5) Judicious preservation and disposal of records.

(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(7) Establishment and maintenance of such other systems or techniques as the Administrator considers necessary to carry out the purpose of [the program].

#### C. GENERAL RESPONSIBILITIES OF THE ADMINISTRATOR

The bill specifies, on the basis of prior law and experience, the requisite responsibilities of the Administrator to provide the needed guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. He has the responsibility to assist agencies in the selection and utilization of space, staff, equipment and supplies necessary for records management; to promulgate standards, procedures and guidelines; to conduct research necessary to improve records management practices and programs, and to act as a clearinghouse with respect to records management information. He is to establish interagency committees and boards to provide an exchange of information among Federal agencies with respect to records management. He is responsible for directing attention to Federal agencies and the Congress on the burden placed on the Federal Government by unnecessary paperwork and on the need for adequate policies governing records creation, maintenance and use, and disposition. It is his duty to conduct studies alone and in conjunction with executive agencies to establish systems and techniques designed to save time and effort in records management, with particular emphasis on the standards and procedures governing records creation. Further, he is to conduct inspections or studies involving the review of program and practices of more than one Federal agency and covering the interaction of the relationships between those Federal agencies with respect to records and records management. Finally, he is to report annually to Congress and the Director of the Office of Management and Budget on the foregoing activities, including evaluation of responses by Federal agencies to any recommendations resulting from studies and inspections by him.

#### D. TECHNICAL AND CONFORMING AMENDMENTS

Although it was not considered necessary to rewrite the records management law completely, there was need for a variety of technical and conforming amendments in order to assure the legislation would represent a fully accurate and integral whole. These minor changes are covered in the section-by-section analysis.

#### E. CONCLUSION

The committee feels the adoption and implementation will meet the requirements set forth in the statement of purpose and give the Federal Government records management program a sound basis on which to build as it moves into its second quarter century of service.

#### IV. STATEMENT PURSUANT TO CLAUSE 2(1)(3)(A) OF RULE XI

The subcommittee on Government Activities and Transportation of the House Committee on Government Operations, in its oversight capacity, has reviewed and studied the performance of the Federal records management program as developed from the Federal Records Act of 1950. These activities have not resulted in any specific oversight findings but rather in the legislation that is the subject of this report.

#### V. STATEMENT PURSUANT TO CLAUSE (2)(1)(3)(C) OF RULE XI

The Director, Congressional Budget Office, has reviewed H.R. 13828 and advised that on the basis of that review it appears that no additional cost to the Government will be incurred as a result of enactment of the bill.

#### VI. STATEMENT PURSUANT TO CLAUSE 7 OF RULE XIII

The committee concurs in the General Services Administration and Congressional Budget Office estimates that there will be no measurable implementation costs for this bill, since the activities and efforts of the General Services Administration will be basically similar to those under current law. In the committee's opinion, GSA should be able to do a better job within existing resources because of the clarifications and updating provided in the bill. Savings attributable to the bill are intangible. However, the committee believes a 1 percent saving of the total yearly Federal Government records cost appears to be conservative; that would amount to at least \$150 million yearly.<sup>4</sup>

#### VII. STATEMENT PURSUANT TO CLAUSE 2(1)(4) OF RULE XI

The enactment of this bill is not expected to have any inflationary impact on prices or costs in the operations of the national economy.

<sup>4</sup> See hearings, pp. 68, 81.



In fact, the committee believes that the activities provided for in this bill will have a beneficial impact on the Federal Government's fight against inflation by spotlighting and reducing excesses in the records management area.

### VIII. SECTION-BY-SECTION ANALYSIS

#### *Section 1—Short title*

This act is cited as the "Federal Records Management Amendments of 1976."

#### *Section 2—Amendment of chapter 29, title 44, United States Code*

(a) This subsection amends chapter 29 of title 44 of the United States Code to clarify, update, and supplement present law with regard to program coverage, scope, and responsibilities, and to provide necessary statutory authority for administrative changes in the operation of the Federal records management program.

##### *(1) Definitions and objectives of records management*

This paragraph strikes section 2901, "Definitions," and 2902, "Records management, surveys, and reports," and inserts new sections 2901, "Definitions," and 2902, "Objectives of records management." The new definitions section amends existing definitions and adds new definitions as detailed to provide a clear statement of the scope of the records management program and provide the necessary flexibility to accommodate rapid advances in records management technology and administration.

(a) "Records management" means the activities necessary to create, maintain and use, and dispose of Federal records. This new definition is structured to encompass new records management technologies that may develop. Currently, it includes management of correspondence, forms, directives, reports, machine-readable records, microforms, information retrieval, files, mail, vital records, records equipment and supplies, office copiers, word processing and other source data automation techniques, records preservation, records disposal, and records centers or other storage facilities.

(b) "Records creation" is the production or reproduction of any record which is defined in section 3301 of Title 44.

(c) "Records maintenance and use" means any activity involving the location of records; the storage, retrieval, and handling of records filed in offices; the processing of mail; and the selection and utilization of equipment and supplies associated with records and copying. Emphasis is placed on records and copies because copy management has become increasingly important, mainly because of the proliferation of equipment, and must be carefully addressed in a successful records management program.

(d) "Records disposition" is defined to include any activity with respect to disposal of temporary records by destruction or donation; transfer of records to records centers; transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or transfer of records between Federal agencies.

(e) "Records management study" is an investigation and analysis of any Federal agency's records, or records management practices, usually at their request, for the purpose of developing findings and recommendations for improved agency records management programs.

(f) "Inspection" is the review by the Administrator or his designee of any Federal agency's records or records management practices or programs for effectiveness and compliance with records management laws and includes the necessary recommendations for correcting and improving their records management practices.

(g) The definitions of "records", "records center", "servicing", "unauthenticated copies", "National Archives of the United States", "Administrator", "executive agency", and "Federal agency" are either the same or virtually the same as existing law.

The new section 2902, "Objectives of Records Management", is a concise statement of the goals of the Federal records management program, and declares as its purpose the requirement to establish standards and procedures to assure efficient and effective records management. These seven specific goals include accurate and complete documentation of the policies and transactions of the Federal Government; control of quantity and quality of records; control with respect to records creation; simplification of records creation, maintenance and use activities, systems, and processes; judicious preservation and disposal of records; direction of attention to records from initial creation to final disposition; and establishment of other systems as required.

The present law does not clearly state the results expected from the records management program. Consequently, some agency programs are limited to records maintenance and disposition and do not cover the full life cycle of recorded information from its creation to ultimate disposition. The records creation area, where 80 percent of total costs are incurred, often receives little attention, and the benefits of new record-producing techniques are not achieved. The emphasis on specific objectives in the new section 2902 is designed to correct this deficiency. The former section 2902 (dealing with records management, surveys, and reports) has been revised, clarified, and included as part of the responsibilities of the Administrator in the new section 2904.

##### *(2) General Responsibilities of the Administrator*

This paragraph strikes out section 2904, "Records management by Administrator; duties general," and inserts in lieu thereof a new section 2904, "General Responsibilities of the Administrator", which provides a clearer statement of the Administrator's responsibilities and, when combined with the new definitions in section 2901 and new objectives in section 2902, helps clarify program coverage, scope, and responsibilities. It directs the Administrator to provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. Specific responsibilities include promoting economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management; promulgating standards, procedures, and guidelines; conducting research to improve records management practices and programs; serving as a clearinghouse for records management information; establishing interagency committees as may be necessary; and disseminating information with respect to technological developments.

Of particular significance are the new responsibilities. The Administrator is to direct the continuing attention of Federal agencies and the Congress to the burden placed on the Federal Government by unnecessary paperwork, and to the need for adequate policies governing records creation, maintenance and use, and disposition. The emphasis is on *continuing attention*. While one-time or special paperwork reduction campaigns are effective, there is a definite need for a systematic approach. The Administrator is also responsible for conducting records management studies in agencies, and may at his discretion designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management. This ability to involve other agencies rather than independently conducting all studies will be of great benefit because some records management problems are better addressed by the specific agency concerned. Another new responsibility involves the conduct of inspections or records management studies which concern the review of the programs and practices of more than one Federal agency. Such inspections are of increasing importance because of the proliferation of Government-wide programs and provide the only means to examine the interactions and relationships among Federal agencies with respect to records and records management. Finally, the Administrator's responsibility to report to Congress and the Director of the Office of Management and Budget is more clearly defined. His reports each year on records management activities are to include evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted. This will permit the Congress and OMB to check on the status of records management activities on a continuing basis as well as evaluate the effectiveness of the total program.

(3) *Inspection of Agency Records and Records Centers and Centralized Microfilming Services.*

This paragraph strikes out sections 2906, "Personal inspection and survey of records", and 2907, "Records centers for storage, process, and servicing of records", and inserts new sections 2906, "Inspection of agency records", and 2907, "Records centers and centralized microfilming services."

The new section 2906, "Inspection of agency records", provides that the Administrator may inspect the records and records management practices of any Federal agency. In cases where the use of records is restricted by law, for reasons of national security, or the public interest, records are to be inspected in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the agency concerned or the President. By adding the phrase "or by the President", the statute provides for a clearly defined process in those instances where the Administrator and the agency cannot agree on inspection procedures.

The new section 2907, "Records centers and centralized microfilming services", provides the authority to establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.

(4) *Deletion of 44 U.S.C. 2910*

This paragraph strikes out sections 2910, "Final Authority of Administrator in records practices", which provided specific authority for the Administrator in matters involving the conduct of surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, and the implementation of recommendations resulting from the surveys. This section can now be deleted because the authority of the Administrator is stated clearly in the new section 2904, "General responsibilities of the Administrator."

*Section 2(b)*

This subsection amends the table of sections in Chapter 29, title 44, United States Code, to provide for the new section titles.

*Section 3—Amendment of Chapter 31, Title 44, United States Code*  
*Section 3(a)*

This subsection, in addition to providing for several technical and conforming amendments in Chapter 31 regarding references to other sections and the proper use of terms as defined in the new section 2910, strikes out section 3103, "Storage, processing and servicing of records", and inserts a new section 3103, "Transfer of records to records centers." The new section simply states that when the head of a Federal agency determines that such action may effect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center.

*Section 3(b)*

This subsection amends the table of sections in Chapter 31 of Title 44, United States Code, to provide for a new section title for section 3103.

*Section 4—Technical and Conforming Amendments*

This section corrects references in section 2103(4), 2108(b) and (c), 2111(b), and 2112; amends the item in the table of sections which relates to section 3302 and reads "Regulations covering list of records for disposal, procedure for disposal, and standards for reproduction; approval by President", by striking "approval by President", since the Administrator now has full authority in this respect; and amends section 3301, "Definition of records", by inserting the phrase "machine-readable materials" in the definition.

*Section 5—Effect on Other Laws*

Section 5 makes it clear that the provisions of the Act do not limit or repeal additional authorities provided by statute or otherwise recognized by law; nor do they limit or repeal the authority or responsibilities of the Joint Committee on Printing or the Government Printing Office under Chapters 1 through 19 of title 44, United States Code. This was included to insure that records management responsibilities pertaining to reproduction and copying of records shall pertain only to improving records management practices and not to the reproduction, copying, and related responsibilities of the Joint Committee on Printing or the Government Printing Office.

## IX. STATEMENT PURSUANT TO CLAUSE 3 OF RULE XIII

Changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

## TITLE 44, UNITED STATES CODE

\* \* \* \* \*

Chapter 21.—ARCHIVAL ADMINISTRATION

\* \* \* \* \*

## § 2103. Acceptance of records for historical preservation.

When it appears to the Administrator of General Services to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency or of the Congress determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have been in existence for more than fifty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certifies in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records deposited or approved for deposit with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Administrator by section [3106] 2107 of this title.

\* \* \* \* \*

## § 2108. Presidential archival depository.

(a) \* \* \*

(b) When the Administrator considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section [3106] 2107 of this title, or Federal records appropriate for preservation.

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential

archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section [3106] 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository.

\* \* \* \* \*

## § 2111. Reports; correction of violations.

(a) When the Administrator of General Services considers it necessary, he may obtain reports from Federal agencies on their activities under chapters 21, 25, 27, 29, 31, and 33 of this title.

(b) When the Administrator finds that a provision of chapter 21, 25, 27, 29, [or] 31, or 33 of this title has been or is being violated, he shall inform in writing the head of the agency concerned of the violation and make recommendations for its correction. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report of the matter to the President and the Congress.

## § 2112. Legal status of reproductions; official seal; fees for copies and reproductions.

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator of General Services the indefinite retention by the photographic, microphotographic, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapters 21, 29, [and] 31, and 33 of this title, shall have the same legal status as the originals.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When a copy or reproduction, furnished under this section, is authenticated by the official seal and certified by the Administrator, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. Fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. He may not charge for making or authenticating copies

or reproductions of materials for official use by the United States Government. Reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

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## Chapter 29.—RECORDS MANAGEMENT BY ADMINISTRATOR OF GENERAL SERVICES

Sec.

2901. Definitions.  
 [2902. Records management, surveys, and reports.]  
 2902. Objectives of records management.  
 2903. Custody and control of property.  
 [2904. Records management by Administrator; duties generally.]  
 2904. General responsibilities of Administrator.  
 2905. Establishment of standards for selective retention of records; security measures.  
 [2906. Personal inspection and survey of records.]  
 2906. Inspection of agency records.  
 2907. Records centers [for storage, process, and servicing of records] and centralized microfilming services.  
 2908. Regulations.  
 2909. [Retentions] Retention of records.  
 [2910. Final authority of Administrator in records practices.]

### [§ 2901. Definitions.

[As used in chapters 25 and 27, sections 2901, 2903–2910, chapter 31, and sections 2101–2115 of this title—

["records" has the meaning given by section 3301 of this title;

["records center" means an establishment maintained by the Administrator of General Services or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

["servicing" means making available for use information in records and other materials in the custody of the Administrator—

[(1) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to agencies of the Government for official use, and to the public; and

[(2) by making and furnishing authenticated or unauthenticated copies or reproductions of the records and other materials;

["National Archives of the United States" means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

["unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence.]

### [§ 2902. Records management, surveys, and reports.

[The Administrator of General Services may—

[(1) make surveys of Government records and records management and disposal practices and obtain reports on them from Federal agencies;

[(2) promote, in cooperation with the executive agencies, improved records management practices and controls in agencies, including the central storage or disposition of records not needed by agencies for their current use; and

[(3) report to the Congress and the Director of the Bureau of the Budget from time to time the results of these activities.]

### § 2901. Definitions.

As used in this chapter, and chapters 21, 25, 27, 31, and 33 of this title—

(1) the term "records" has the meaning given it by section 3301 of this title;

(2) the term "records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition;

(3) the term "records creation" means the production or reproduction of any record;

(4) the term "records maintenance and use" means any activity involving—

(A) location of records of a Federal agency;

(B) storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;

(C) processing of mail by a Federal agency; or

(D) selection and utilization of equipment and supplies associated with records and copying;

(5) the term "records disposition" means any activity with respect to—

(A) disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

(B) transfer of records to Federal agency storage facilities or records centers;

(C) transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or

(D) transfer of records from one Federal agency to any other Federal agency;

(6) the term "records center" means an establishment maintained and operated by the Administrator or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

(7) the term "records management study" means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

(8) the term "inspection" means reviewing any Federal agency's records or records management practices or programs (whether manual or automated) with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

(9) the term "servicing" means making available for use information in records and other materials in the custody of the Administrator, or in a records center—

(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public; or

(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

(10) the term "unauthenticated copies" means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence;

(11) the term "National Archives of the United States" means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Administrator for deposit in his custody;

(12) the term "Administrator" means the Administrator of General Services;

(13) the terms "executive agency" and "Federal agency" shall have the meanings given such terms by subsections (a) and (b), respectively, of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 (a) and (b)).

#### § 2902. Objectives of records management.

It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

(1) Accurate and complete documentation of the policies and transactions of the Federal Government.

(2) Control of the quantity and quality of records produced by the Federal Government.

(3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency.

(4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.

(5) Judicious preservation and disposal of records.

(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(7) Establishment and maintenance of such other systems or techniques as the Administrator considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.

\* \* \* \* \*

#### § 2904. Records management by Administrator; duties generally.

[The Administrator of General Services shall provide for the economical and efficient management of records of Federal agencies by—

[(1) analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and

[(2) promoting the efficient and economical utilization of space, equipment, and supplies needed to create, maintain, store, and service records.]

#### § 2904. General responsibilities of Administrator.

The Administrator shall provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. In providing such guidance and assistance, the Administrator shall have responsibility to—

(1) promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management;

(2) promulgate standards, procedures, and guidelines with respect to records management and records management studies;

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

(4) serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management;

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

(6) disseminate information with respect to technological development in records management;

(7) direct the continuing attention of Federal agencies and the Congress on the burden placed on the Federal Government by unnecessary paperwork, and on the need for adequate policies governing records creation, maintenance and use, and disposition;

(8) conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management, with particular attention given to standards and procedures governing records creation;

(9) conduct inspections or records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between Federal agencies with respect to records and records management; and

(10) report to the Congress and to the Director of the Office of Management and Budget each year, at such time or times as he may deem desirable, on the results of the foregoing activities, in-

*cluding evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by him.*

\* \* \* \* \*

**§ 2906. Personal inspection and survey of records.**

【The Administrator of General Services may inspect or survey personally or by deputy the records of any Federal agency, and make surveys of records management and records disposal practices in agencies. Officials and employees of agencies shall give him full cooperation in inspections and surveys. Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulation promulgated by the Administrator, subject to the approval of the head of the custodial agency.

**§ 2907. Records centers for storage, process, and servicing of records.**

【The Administrator of General Services may establish, maintain, and operate—

【(1) records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and

【(2) centralized microfilming services for Federal agencies.】

**§ 2906. Inspection of agency records.**

*The Administrator of General Services or his designee may inspect the records of any Federal agency and make inspections of the records management practices and programs in such agencies. Officials and employees of such agencies shall give him full cooperation in such inspections. 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, subject to the approval of the head of the agency concerned or of the President.*

**§ 2907. Records centers and centralized microfilming services.**

*The Administrator may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.*

\* \* \* \* \*

**§ 2910. Final authority of Administrator in records practices.**

【The Administrator of General Services shall have final authority in matters involving the conduct of surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, under sections 2904–2909 and 3101–3107 of this title, and the implementation of recommendation based on surveys.】

**Chapter 31.—RECORDS MANAGEMENT BY FEDERAL AGENCIES**

- Sec.  
 3101. Records management by agency heads; general duties.  
 3102. Establishment of program of management.  
 【3103. Storage, processing, and servicing of records.】  
 3103. *Transfer of records to records centers.*  
 3104. Certifications and determinations on transferred records.  
 3105. Safeguards.  
 3106. Unlawful removal, destruction of records.  
 3107. Authority of Comptroller General.

\* \* \* \* \*

**§ 3102. Establishment of program of management.**

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

(1) effective controls over the creation 【maintenance】 *and over the maintenance* and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101–2113, 2501–2507, 2701, 【2901, 2903–2909】 *2901–2909*, and 3101–3107, of this title and the regulations issued under them.

**§ 3103. 【Storage, processing, and servicing of records.】 *Transfer of records to records centers.***

When the head of a Federal agency determines that 【it】 *such action* may effect substantial economies or increased operating efficiency, he shall provide for 【appropriate storage, processing, and servicing of records in a】 *the transfer of records to a records center* maintained and operated by the Administrator 【of General Services or】, *or*, when approved by 【him, in】 *the Administrator*, to a center maintained and operated by the head of the Federal agency.

\* \* \* \* \*

**§ 3107. Authority of Comptroller General.**

【Sections 2101–2113, 2501–2507, 2701, 2901, 2904–2910, and 3101–3107, of this】 *Chapters 21, 25, 27, 29, and 31 of this title* do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

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### Chapter 33.—DISPOSAL OF RECORDS

Sec.

3301. Definition of records.

3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction [; approval by President].

\* \* \* \* \*

#### § 3301. Definition of records.

As used in this chapter, "records" includes all books, papers, maps, photographs, *machine readable materials*, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

#### § 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction [; approval by President].

The Administrator of General Services shall promulgate regulations, not inconsistent with this chapter, establishing—

- (1) procedures for the compiling and submitting to him of lists and schedules of records proposed for disposal,
- (2) procedures for the disposal of records authorized for disposal, and
- (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records.

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H. R. 13828

# 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 title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Records Management Amendments of 1976".

### AMENDMENT OF CHAPTER 29, TITLE 44, UNITED STATES CODE

SEC. 2. (a) Chapter 29 of title 44, United States Code, is amended—  
(1) by striking out sections 2901 and 2902 of such chapter and inserting in lieu thereof the following:

#### “§ 2901. Definitions

“As used in this chapter, and chapters 21, 25, 27, 31, and 33 of this title—

“(1) the term ‘records’ has the meaning given it by section 3301 of this title;

“(2) the term ‘records management’ means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition;

“(3) the term ‘records creation’ means the production or reproduction of any record;

“(4) the term ‘records maintenance and use’ means any activity involving—

“(A) location of records of a Federal agency;

“(B) storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;

“(C) processing of mail by a Federal agency; or

“(D) selection and utilization of equipment and supplies associated with records and copying;

“(5) the term ‘records disposition’ means any activity with respect to—

“(A) disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

“(B) transfer of records to Federal agency storage facilities or records centers;

“(C) transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or

“(D) transfer of records from one Federal agency to any other Federal agency;

“(6) the term ‘records center’ means an establishment maintained and operated by the Administrator or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;



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“(7) the term ‘records management study’ means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

“(8) the term ‘inspection’ means reviewing any Federal agency’s records or records management practices or programs with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

“(9) the term ‘servicing’ means making available for use information in records and other materials in the custody of the Administrator, or in a records center—

“(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public; or

“(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

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

“(11) the term ‘National Archives of the United States’ means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Administrator for deposit in his custody;

“(12) the term ‘Administrator’ means the Administrator of General Services;

“(13) the terms ‘executive agency’ and ‘Federal agency’ shall have the meanings given such terms by subsections (a) and (b), respectively, of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 (a) and (b)).

**“§ 2902. Objectives of records management**

“It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

“(1) Accurate and complete documentation of the policies and transactions of the Federal Government.

“(2) Control of the quantity and quality of records produced by the Federal Government.

“(3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency.

“(4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.

“(5) Judicious preservation and disposal of records.

“(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

“(7) Establishment and maintenance of such other systems or techniques as the Administrator considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.”;

(2) by striking out section 2904 of such chapter and inserting in lieu thereof the following:

**“§ 2904. General responsibilities of Administrator**

“The Administrator shall provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. In providing such guidance and assistance, the Administrator shall have responsibility to—

“(1) promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management;

“(2) promulgate standards, procedures, and guidelines with respect to records management and records management studies;

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

“(4) serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management;

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

“(6) disseminate information with respect to technological development in records management;

“(7) direct the continuing attention of Federal agencies and the Congress on the burden placed on the Federal Government by unnecessary paperwork, and on the need for adequate policies governing records creation, maintenance and use, and disposition;

“(8) conduct records management studies and, in his discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management, with particular attention given to standards and procedures governing records creation;

“(9) conduct inspections or records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between Federal agencies with respect to records and records management; and

“(10) report to the Congress and to the Director of the Office of Management and Budget each year, at such time or times as he may deem desirable, on the results of the foregoing activities, including evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by him.”;

(3) by striking out sections 2906 and 2907 of such chapter and inserting in lieu thereof the following:

**“§ 2906. Inspection of agency records**

“(a) (1) In carrying out his duties and responsibilities under this chapter, the Administrator of General Services or his designee 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

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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, subject to the approval of the head of the agency concerned or of the President.

“(3) If the Administrator or his designee 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 or his 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 or his designee 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.

**“§ 2907. Records centers and centralized microfilming services**

“The Administrator may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.”; and

(4) by striking out section 2910.

(b) The table of sections for chapter 29 of title 44, United States Code, is amended to read as follows:

“2901. Definitions.

“2902. Objectives of records management.

“2903. Custody and control of property.

“2904. General responsibilities of Administrator.

“2905. Establishment of standards for selective retention of records; security measures.

“2906. Inspection of agency records.

“2907. Records centers and centralized microfilming services.

“2908. Regulations.

“2909. Retention of records.”.

AMENDMENT OF CHAPTER 31, TITLE 44, UNITED STATES CODE

SEC. 3. (a) Chapter 31 of title 44, United States Code, is amended—

(1) by striking out “, maintenance,” in section 3102 and inserting in lieu thereof “and over the maintenance”;

(2) by striking out “2901, 2903–2909” in section 3102(3) and inserting in lieu thereof “2901–2909”;

(3) by striking out section 3103 of such chapter and inserting in lieu thereof the following:

**“§ 3103. Transfer of records to records centers**

“When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Administrator, or, when approved by the Administrator, to a center maintained and operated by the head of the Federal agency.”; and

(4) by striking out, in the text of section 3107, everything preceding the word “title” and inserting in lieu thereof “Chapters 21, 25, 27, 29, and 31 of this”.

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(b) The table of sections for chapter 31 of title 44, United States Code, is amended by striking out the item relating to section 3103 and inserting in lieu thereof the following:

"3103. Transfer of records to records centers."

## TECHNICAL AND CONFORMING AMENDMENTS

SEC. 4. (a) Chapter 21 of title 44, United States Code, is amended by striking out "section 3106" each place it appears in sections 2103 (4) and 2108 (b) and (c), and inserting in lieu thereof "section 2107".

(b) Chapter 21 of such title is further amended by striking out "or 31" in section 2111 (b) and "and 31" in section 2112, and inserting in lieu thereof "31, or 33" and "31, and 33", respectively.

(c) Chapter 33 of such title is amended—

(1) by striking out "; approval by President" in the table of sections item relating to section 3302 and in the heading of such section; and

(2) by inserting "machine readable materials," immediately after "photographs," in section 3301.

## EFFECT ON OTHER LAWS

SEC. 5. (a) The provisions of this Act relating to the authority of the Administrator of General Services do not limit or repeal additional authorities provided by statute or otherwise recognized by law.

(b) The provisions of this Act do not limit or repeal the authority or responsibilities of the Joint Committee on Printing or the Government Printing Office under chapters 1 through 19 of title 44, United States Code.

*Speaker of the House of Representatives.*

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