

Calendar No. 250

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-176

FEDERAL AGENCY MAIL MANAGEMENT
ACT OF 2017

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 194

TO ENSURE THE EFFECTIVE PROCESSING OF MAIL BY FEDERAL
AGENCIES, AND FOR OTHER PURPOSES



OCTOBER 19, 2017.—Ordered to be printed

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FEDERAL AGENCY MAIL MANAGEMENT ACT OF 2017

OCTOBER 19, 2017.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 194]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 194) to ensure the effective processing of mail by Federal agencies, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of H.R. 194, the Federal Agency Mail Management Act of 2017, is to make a technical correction to the Presidential and Federal Records Act Amendments of 2014. This change affirms Congress's intent that the General Services Administration (GSA) is responsible for the oversight and regulation of Federal agency mail processing.

II. BACKGROUND AND THE NEED FOR LEGISLATION

On November 26, 2014, the Presidential and Federal Records Act Amendments of 2014 (PFRAA) was signed into law by President

Obama.¹ The PFRAA modernized the Presidential Records Act of 1978 and the Federal Records Act of 1959.²

PFRAA's primary objective was to update the laws on Federal recordkeeping, particularly with regard to electronic information.³ To further this end, PFRAA removed GSA's authority to "promulgate standards, procedures, and guidelines with respect to records management."⁴ The purpose of this provision was to remove some recordkeeping responsibilities from GSA in recognition of the National Archives and Records Administration's (NARA) archiving role, particularly with regard to emails and other electronic information.⁵

PFRAA was not clear, however, about whether GSA would retain its authority over Federal agency mail management, and the lack of clarity has led to confusion between GSA and NARA. H.R. 194 clarifies that GSA retains authority over Federal agency mail management. The bill applies retroactively to the date of enactment of the PFRAA. Both GSA and NARA support this legislation.⁶

III. LEGISLATIVE HISTORY

Representatives Steve Russell (R-OK) and Gerald Connolly (D-VA) introduced H.R. 194, the Federal Agency Mail Management Act of 2017, on January 3, 2017. The bill was referred to the Committee on Oversight and Governmental Reform in the House of Representatives. The Committee on Oversight and Governmental Reform considered H.R. 194 at a business meeting on January 31, 2017, and ordered the bill reported favorably, without amendment, by voice vote. The House of Representatives passed H.R. 194 by voice vote on May 17, 2017.

The Act was referred to the Committee on May 18, 2017. The Committee considered H.R. 194 at a business meeting on July 26, 2017. The Act was ordered reported favorably *en bloc* by voice vote. Senators present for the vote were Johnson, Portman, Lankford, Daines, McCaskill, Tester, Heitkamp, Hassan and Harris.

IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

Section 1. Short title

This section establishes the short title of the Act as the "Federal Agency Mail Management Act of 2017."

Sec. 2. Record management

Section 2 amends Section 9 of the Presidential and Federal Records Act Amendments of 2014 by clarifying that the National Archivist is in charge of assisting Federal agencies with economical and effective records management, adequate and proper documentation of policies of the Federal Government, and the proper disposition of records.

¹Pub. L. No. 113-187.

²Press Release, National Archives and Records Administration, National Archives Welcomes Presidential and Federal Records Act Amendments of 2014, (Dec. 12, 2014), <https://www.archives.gov/press/press-releases/2015/nr15-23.html> (last visited Aug 29, 2017).

³H.R. Rep. No. 113-127, at 5 (2013).

⁴44 U.S.C. § 2904(c)(1).

⁵H.R. Rep. No. 113-127, at 5 (2013).

⁶*January 31, 2017 Business Meeting Before H. Comm. on Oversight and Gov't Reform* 114th Cong. (2017) (statement made by Rep. Steve Russell, Member, H. Comm. on Oversight & Gov't Reform).

It also directs GSA to ensure effective processing of mail by Federal agencies and to promote the economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for processing mail at Federal facilities while carrying out its duties.

Section 2 also authorizes the GSA Administrator to inspect mail processing practices and programs and issue recommendations for improvements to the agencies.

Finally, this section establishes that the Act is effective retroactively as if it was included in the Presidential and Federal Records Act Amendments of 2014.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this Act and determined that the Act will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the Act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 4, 2017.

Hon. RON JOHNSON, *Chairman,*
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 194, the Federal Agency Mail Management Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 194—Federal Agency Mail Management Act of 2017

CBO estimates that enacting H.R. 194 would have no significant effect on the federal budget. The legislation would amend federal law to clarify that the General Services Administration (GSA) has the responsibility for promoting and recommending efficient practices for processing mail among federal agencies. GSA already performs this function.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 194 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 194 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On February 9, 2017, CBO transmitted a cost estimate for H.R. 194 as ordered reported by the House Committee on Oversight and Government Reform on February 2, 2017. The two versions of legis-

lation are identical, and CBO's estimates of the budgetary effects are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE ACT, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

* * * * *

CHAPTER 1—JOINT COMMITTEE ON PRINTING

* * * * *

SECTION 101—JOINT COMMITTEE ON PRINTING: MEMBERSHIP

* * * * *

PRESIDENTIAL AND FEDERAL RECORDS ACT AMENDMENTS OF 2014

* * * * *

SEC. 9. RECORDS MANAGEMENT BY THE ARCHIVIST.

(a) * * *

(1) * * *

(2) * * *

(3) in paragraph (7), by striking “the Administrator or *the Archivist*” and inserting “*the Archivist or the Administrator*”.

(b) * * *

(c) * * *

[(1) in subsection (b), by striking “The Administrator” and inserting “The Archivist”];

(1) by amending subsection (a) to read as follows:

“(a) *The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring—*

“(1) *economical and effective records management;*

“(2) *adequate and proper documentation of the policies and transactions of the Federal Government; and*

“(3) *proper records disposition.*”;

(2) *In subsection (b), by striking “effective records management by such agencies” and inserting “effective processing of mail by Federal agencies”;*

[(2)] (3) in subsection (c)—

- (A) in the matter preceding paragraph (1)—
- (i) by striking “their” and inserting “the”;
 - (ii) by striking “subsection (a) or (b), respectively” and inserting “[subsections (a) and (b)]*subsection (a)*”;
 - (iii) by striking “and the Administrator”; and
 - (iv) by striking “each”; and
- (B) in paragraph (8), by striking “or the Administrator (as the case may be)”[; and];
- [(3)] (4) subsection (d) is amended to read as follows:
- “(d) The Archivist shall promulgate regulations requiring all Federal agencies to transfer all digital or electronic records to the National Archives of the United States in digital or electronic form to the greatest extent possible[.]”; and
- (5) by inserting at the end the following new subsection:
- “(e) *The Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for processing mail at Federal facilities.*”.
- (d) * * *
- (1) * * *
 - (A) * * *
 - (B) * * *
 - (C) * * *
 - (i) * * *
 - (ii) in subparagraph (A), by striking “the Administrator, the Archivist,” and inserting “the Archivist”[; and];
 - (2) * * *
 - (A) * * *
 - (B) by striking “designee of either” and inserting “Archivist’s designee”[.]]; and
 - (3) by inserting at the end the following new subsection:

“(c) *The Administrator (or the Administrator’s designee) may inspect the mail processing practice and programs of any Federal agency for the purpose of rendering recommendations for the improvement of mail processing practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections of mail processing practices and programs.*”.
- (e) * * *
- [(f)] RECORDS MANAGEMENT BY THE ARCHIVIST.—
- [(1)] AMENDMENT.—The heading for chapter 29 of title 44, United States Code, is amended by striking “**AND BY THE ADMINISTRATOR OF GENERAL SERVICES**”.
- [(2)] CONFORMING AMENDMENT.—The table of chapters at the beginning of title 44, United States Code, is amended in the item related to chapter 29 by striking “and by the Administrator of General Service”.]

[(g)] (f) ESTABLISHMENT OF PROGRAM OF MANAGEMENT.—
Section 3102(2) of title 44, United States Code, is amended by
striking “the Administrator of General Services and”.

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