

FEDERAL AGENCY MAIL MANAGEMENT ACT OF 2016

NOVEMBER 14, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 6009]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 6009) to ensure the effective processing of mail by Federal agencies, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 6009, the Federal Agency Mail Management Act of 2016, would make a technical correction to the Presidential and Federal

Records Act Amendments of 2014 (Public Law 113–187) to clarify that the General Services Administration (GSA) is responsible for the regulation and oversight of federal agency mail processing programs.

#### BACKGROUND AND NEED FOR LEGISLATION

On November 26, 2014, President Barack Obama signed into law H.R. 1233, the Presidential and Federal Records Act Amendments of 2014 (P.L. 113–187). The legislation was designed to improve and modernize aging federal recordkeeping statutes. Notably, the law codified procedures related to the use of Executive privilege with regard to the records of former Presidents; clarified that recordkeeping should be focused on the information in the record itself, not the original media in which the record is preserved; and established a framework to tightly limit the permissible use of non-official electronic messaging accounts for official government business. Additionally, the bill made a number of further technical changes to replace and correct references that were put in place before the National Archives and Records Administration (Archives) separated from GSA in 1985.

Among the technical changes made by the law was the removal of a reference giving GSA the authority in section 2904 of title 44, United States Code, to “promulgate standards, procedures, and guidelines with respect to records management.”<sup>1</sup> Although Congressional intent was for GSA to maintain authority over agency mail rooms, GSA was concerned that the new language called that authority into question.

GSA has been responsible for the oversight and regulation of agency mail rooms for decades and the agency has developed significant expertise in mail management, mail security, and mail handling training and best practices.<sup>2</sup> In this role, GSA has created online training tools, hosted in-person training seminars, prepared mail security guides, tracked government-wide mail volume and spending, and has even given an annual award to individual agency mail managers for Federal Mail Best Practices.<sup>3</sup> In fiscal year 2015 alone, GSA was able to provide oversight to more than \$1.15 billion in federal agency mailing costs.<sup>4</sup>

H.R. 6009 would clarify title 44 of United States Code to differentiate records management as a responsibility of the Archives and mail management as a responsibility of GSA. Restoring clarity concerning GSA’s role as the watchdog of federal agency mailrooms is essential to ensuring the safety, safety, efficiency of federal agency mail.

#### LEGISLATIVE HISTORY

H.R. 6009, the Federal Agency Mail Management Act of 2016, was introduced on September 13, 2016 by Representative Steve Russell (R–OK) and referred to the Committee on Oversight and Government Reform. On September 15, 2015, the Committee on

<sup>1</sup> 44 U.S.C. § 2904(c)(1).

<sup>2</sup> See generally General Serv. Administration, *Mail Management Policy Overview*, available at [www.gsa.gov/mailpolicy](http://www.gsa.gov/mailpolicy).

<sup>3</sup> *Id.*

<sup>4</sup> General Serv. Administration, *FY 2015 Federal Mail Expenditures Open Data Set at table 8*, available at: <http://www.gsa.gov/portal/content/235245>.

Oversight and Government Reform ordered H.R. 6009 favorably reported, without amendment, by unanimous consent. Rep. Gerald Connolly (D–VA) is an original cosponsor.

#### SECTION-BY-SECTION

##### *Section 1. Short title*

Designates the short title of the bill as the “Federal Agency Mail Management Act of 2016.”

##### *Section 2. Record management*

Subsection (a) amends section 9 of the Presidential and Federal Records Act Amendments of 2014 (P.L. 113–187).

Paragraph (1) amends section 9(a)(3) to insert “Archivist or the Administrator” in place of “Administrator”.

Paragraph (2) amends section 9(c)(1) to clarify that the Archivist is responsible for providing guidance and assistances to federal agencies to ensure: (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. Paragraph (2) also further amends 9(c) to redesignate paragraphs (2) and (3) as (3) and (4), respectively, and to add a new paragraph (2) directing the Administrator of General Services (Administrator) to ensure effective processing of mail by federal agencies and another new paragraph, (5), requiring the Administrator, when carrying out their duties as a result of the new paragraph (2), to ensure the promotion of economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for processing mail at federal facilities, while also making necessary conforming amendments.

Paragraph (3) amends section 9(d) by inserting a new paragraph at the end to permit the Administrator or his designee the ability to inspect mail processing practices and programs of any federal agency for the purpose of rendering recommendations for the improvement of mail processing practices and programs. Agencies are also required to cooperate fully in such inspections.

Paragraph (4) strikes subsection 9(f) as it is no longer necessary due to the other changes of the bill and paragraph (5) redesignates subsection 9(g) as 9(f).

Subsection (b) states that the amendments made by the bill shall take effect as if they were included in the Presidential and Federal Records Act Amendments of 2014 (P.L. 113–187).

#### EXPLANATION OF AMENDMENTS

No amendments to H.R. 6009 were offered or adopted during Full Committee consideration of the bill.

#### COMMITTEE CONSIDERATION

On September 15, 2016 the Committee met in open session and ordered reported favorably the bill, H.R. 6009, by unanimous consent, a quorum being present.

## ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 6009.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill ensures the effective processing of mail by Federal agencies. As such this bill does not relate to employment or access to public services and accommodations.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal and objective of the bill is to ensure the effective processing of mail by Federal agencies.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 29, 2016.*

Hon. JASON CHAFFETZ,  
*Chairman, Committee on Oversight and Government Reform,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6009, the Federal Agency Mail Management Act of 2016.

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. 6009—Federal Agency Mail Management Act of 2016*

CBO estimates that enacting H.R. 6009 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 mail practices among federal agencies. GSA already performs this function.

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

CBO estimates that enacting H.R. 6009 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 6009 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**PRESIDENTIAL AND FEDERAL RECORDS ACT  
AMENDMENTS OF 2014**

\* \* \* \* \*

**SEC. 9. RECORDS MANAGEMENT BY THE ARCHIVIST.**

(a) OBJECTIVES OF RECORDS MANAGEMENT.—Section 2902 of title 44, United States Code, is amended—

(1) in paragraph (4), by striking “creation and of records maintenance and use” and inserting “creation, maintenance, transfer, and use”;

(2) in paragraph (6), by inserting after “Federal paperwork” the following: “and the transfer of records from Federal agencies to the National Archives of the United States in digital or electronic form to the greatest extent possible”; and

[(3) in paragraph (7), by striking “the Administrator or”.]

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

(b) RECORDS CENTERS AND CENTRALIZED MICROFILMING SERVICES.—

(1) AMENDMENT.—Section 2907 of title 44, United States Code, is amended—

(A) in the section heading by inserting “or digitization” after “microfilming”; and

(B) by inserting “or digitization” after “microfilming”.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended in the item relating to section 2907 by inserting “or digitization” after “microfilming”.

(c) GENERAL RESPONSIBILITIES FOR RECORDS MANAGEMENT.—Section 2904 of title 44, United States Code, is amended—

[(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) INSPECTION OF AGENCY RECORDS.—Section 2906 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

- (i) by striking “their respective” and inserting “the”;
- (ii) by striking “the Administrator of General Services and”;
- (iii) by striking “designee of either” and inserting “the Archivist’s designee”;
- (iv) by striking “solely”; and
- (v) by inserting after “for the improvement of records management practices and programs” the following: “and for determining whether the records of Federal agencies have sufficient value to warrant continued preservation or lack sufficient value to justify continued preservation”;

(B) in paragraph (2)—

- (i) by striking “the Administrator and”; and
- (ii) by striking the second sentence; and

(C) in paragraph (3)—

- (i) in the matter preceding subparagraph (A)—
  - (I) by striking “the Administrator or”; and
  - (II) by striking “designee of either” and inserting “Archivist’s designee”; and
- (ii) in subparagraph (A), by striking “the Administrator, the Archivist,” and inserting “the Archivist”[; and];

(2) in subsection (b)—

- (A) by striking “the Administrator and”; and
- (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 practices 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) **REPORTS; CORRECTION OF VIOLATIONS.**—Section 2115 of title 44, United States Code, is amended—

(1) in subsection (a)—

- (A) by striking “their respective” and inserting “the”;
- (B) by striking “and the Administrator”; and
- (C) by striking “each”; and

(2) in subsection (b)—

- (A) by striking “either”;
- (B) by striking “or the Administrator”, each place it appears; and
- (C) by striking “inaugurated” and inserting “demonstrably commenced”.

**[(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 Services”.**]**

**[(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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