

ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS
 SUNSET ACT OF 2024

SEPTEMBER 17, 2024.—Committed to the Committee of the Whole House on the
 State of the Union and ordered to be printed

Mr. STEIL, from the Committee on House Administration,
 submitted the following

R E P O R T

[To accompany H.R. 9489]

The Committee on House Administration, to whom was referred the bill (H.R. 9489) to sunset the Advisory Committee on the Records of Congress, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 9489, the Advisory Committee on the Records of Congress Sunset Act of 2024, introduced by Rep. Bryan Steil (WI-01), sunsets that Advisory Committee on the Records of Congress and sub-

stitutes with a reporting requirement to be fulfilled by the Director for the Center for Legislative Archives.

BACKGROUND AND NEED FOR LEGISLATION

BACKGROUND

Congress created the Advisory Committee on the Records of Congress (ACRC) in 1990¹ to advise Congress and the Archivist of the United States² on the management and preservation of the records of Congress. This advisory committee was established as subject to the provisions of the Federal Advisory Committee Act (as laid out 5 U.S.C. 10), except that the ACRC was established for permanent duration. To remain in existence, ACRC does submit a Charter every two years, the most recent of which was signed by the Archivist of the United States on April 29, 2024.

The authorizing legislation required ACRC to hold its first meeting within 30 days of the start of the 102nd Congress, which convened in the months following passage of this law. The Committee was directed to meet semiannually, or at the call of a majority of its members.

By statute, ACRC consists of eleven members in total, which include the Secretary of the Senate, Clerk of the House, Archivist of the United States, Historian of the Senate, and Historian of the House, in addition to six members appointed by each of the following: the Speaker of the House, Minority Leader of the House, Majority Leader of the Senate, Minority Leader of the Senate, Secretary of the Senate, and Clerk of the House. Leadership of the committee rotates every two years between the Clerk of the House and Secretary of the Senate; the Secretary of the Senate is the current chair.

ACRC was directed to review the management and preservation of the records of Congress, and report to/advise Congress and the Archivist on findings. In statute, the ACRC was tasked with submitting to Congress no later than December 31, 1991, a report on the transfer of records of the National Archives and Records Administration (NARA) from facilities inside Washington, D.C. to locations beyond the district and to detail a 5-year plan for record management and preservation.

The Advisory Committee serves a primary purpose of oversight, ensuring records of members of Congress are properly preserved, and those mandated for placement at NARA are properly shared. ACRC also ensures that members of Congress interested in preserving their personal files are given support in handling records and makes sure the Center for Legislative Archives properly manages legislative records and supports their use for research.

There are six reports that have been filed by ACRC.³ The first report, presented on December 31, 1991, presents a 5-year plan for management and preservation of records of Congress. The second report follows up as mandated to assess the status of projects out-

¹Public Law 101-509; 104 Stat. 1417.

²The Archivist of the United States is the head and chief administrator of the National Archives and Records Administration.

³ACRC final reports are available at this site <https://www.archives.gov/legislative/cla/advisory-committee/reports.html>.

lined in the first report. Subsequent reports were issued in December of 2000, December 2006, December 2012, and December 2018.

- The first (1991) and second (1995) reports of the advisory committee focused on the management of official records of Congress at the Center for Legislative Archives (Center) and National Archives, as well as preservation of records at legislative support agencies.
- The third report (2000) focused on preserving members' papers and encouraged a collaborative approach to textual and electronic records.
- The fourth report (2006) examined preservation crises created by the anthrax attacks and addressed design and construction of the Capitol Visitor Center.
- The fifth report (2012) addressed the administrative status of the Center within NARA and focused on encouraging members to preserve records of service.
- The most recent report (2018) highlighted seven critical developments: (1) the Center's acquisition of new storage space for Congressional records at GPO, (2) expansion of the Congressional Records Institute, (3) preservation of committee hearing videos, (4) preservation of social media communications, (5) progress of the Legislative Enhanced Archival Description Projects, (6) efforts to preserve data generated/stored in correspondence management systems, and (7) advances in digital curation within Congress and the Center.

NEED FOR LEGISLATION

Representative Bryan Steil (WI-01) introduced H.R. 9489, the Advisory Committee on the Records of Congress Sunset Act of 2024, to address the duplicative nature of the advisory committee while keeping a focus on records management and preservation for Congress. This Act would sunset the Advisory Committee on the Records of Congress and substitute with a reporting requirement to be fulfilled by the Director for the Center for Legislative Archives. The existence of the Advisory Committee over the past 30 years has resulted in better management and preservation practices exist for the records of Congress.

In December 2023 during a monthly oversight meeting with the Committee on House Administration, the committee heard observations from the Office of the Clerk about the most recent ACRC meeting. Acting Clerk McCumber shared observations from his staff and other ACRC members that the advisory committee meetings served as a "check the box" exercise that duplicated ongoing conversations between each office. Instead of the semiannual meetings providing a forum for discussion on preservation and records management, the meetings were described as redundant and constituted more general information-sharing that was already taking place between the House, Senate, and National Archives.

In further conversation with the Clerk, House Historian, and support staff in February 2024, staff reiterated that the updates generally provided during the semiannual ACRC meetings are already being shared informally with all participants. The advisory committee provides a formal, public space to share information between the House, Senate, National Archives, and external partners on records management and preservation. ACRC members shared

that there has been little public interest or attendance in the advisory committee's recurring meetings. Subsequent conversations between Committee on House Administration staff and the appointees to the Advisory Committee revealed that there was little room for outside expertise to add value, and the semiannual convenings mostly served as a convening to report on matters already discussed. Major congressional records issues had been resolved among key stakeholders through informal channels, not through the ACRC structure.

While members of the committee are not to be paid for their services, the committee is authorized to allow travel expenses, including per diem in lieu of substance, at rates authorized for federal employees while away on official business. NARA estimates that ACRC annually costs their organization approximately \$38,000 to maintain, which does not include staff time.

Solutions put forth by members of ACRC focused on sunsetting the advisory committee and replacing it with a reporting requirement for the Center for Legislative Archives Director. The Director would then be required to report to the Clerk of the House, Secretary of the Senate, and Archivist of the United States each year on the management and preservation of the records of Congress during the previous year. The ACRC members also suggested that the Archivist, Secretary of the Senate, and Clerk of the House meet to review the Director's report within 60 days of submission, and not later than 180 days after the appointment of a new individual into the role of Archivist, Secretary of the Senate, or Clerk of the House. By setting up reporting requirements, the Advisory Committee ensured that records management and preservation would remain a focus for Congress and the Center for Legislative Archives.

COMMITTEE ACTION

INTRODUCTION AND REFERRAL

On September 6, 2024, Representative Bryan Steil (WI-01) introduced H.R. 9489, the Advisory Committee on the Records of Congress Sunset Act of 2024. The bill was referred to the U.S. House of Representatives Committee on House Administration.

HEARINGS

The Committee on House Administration did not conduct a hearing to discuss H.R. 9487.

COMMITTEE CONSIDERATION

On September 11, 2024, the Committee on House Administration met in open session and ordered the bill, H.R. 9489, the Advisory Committee on the Records of Congress Sunset Act of 2024, favorably reported, with a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of House rule XIII, the following vote occurred during the Committee's consideration of H.R. 3229:

1. Vote to report H.R. 9489 favorably, to the House of Representatives, passed by voice vote.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Congress has the power to enact this legislation pursuant to the following:

- Article I, Section 8, Clause 18, “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.”

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(I) of the Congressional Budget Act of 1974, the Committee provides the following opinion and estimate with respect to new budget authority, entitlement authority, and tax expenditures. The Committee believes that there will be no additional costs attributable to H.R. 9489.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such an estimate to be printed in the Congressional Record if it is received by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

The performance goals and objectives of H.R. 9489 are to sunset the Advisory Committee on the Records of Congress and replace this with a reporting requirement for the Center for Legislative Archives, to keep the Clerk of the House, Secretary of the Senate, and Archivist of the United States, informed on congressional records management and preservation.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 9489 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

ADVISORY ON EARMARKS

In accordance with clause 9 of House rule XXI, H.R. 9489 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such an estimate to be printed in the Congressional Record if it is received by the Committee.

ADVISORY COMMITTEE STATEMENT

H.R. 9489 does not establish or authorize any new advisory committees, but will strike chapter 27 of title 44, U.S. Code which will sunset the Advisory Committee on the Records of Congress.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides a short title for H.R. 9489, the Advisory Committee on the Records of Congress Sunset Act of 2024.

Section 2

This section sets definitions for the titles of officials referenced in this legislation, including the Archivist of the United States, Clerk of the House, Secretary of the Senate, and Director for the Center for Legislative Archives. It defines Members of Congress as all members of the House and Senate, including Delegates to the House and the Resident Commissioner from Puerto Rico.

This section establishes a reporting requirement, that no later than February 1 of the second calendar year, beginning after enactment of this Act, the Director shall submit to the Archivist, Secretary of the Senate, and Clerk of the House, a report on management and preservation of congressional records from the previous year.

This section requires the Archivist, Secretary of the Senate, and Clerk of the House to meet within 60 days after the report is submitted, and no later than 180 days after a new individual is appointed Archivist, Secretary of the Senate, or Clerk of the House.

This section sunsets the Advisory Committee on the Records of Congress 60 days after enactment of this Act, and makes relevant changes to U.S. Code to strike chapter 27 of title 44.

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 and existing law in which no change is proposed is shown in roman):

TITLE 44, UNITED STATES CODE

Chap.	Sec.
1. Joint Committee on Printing	101
* * * * *	
[27. Advisory Committee on the Records of Congress	2701]
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**[CHAPTER 27—ADVISORY COMMITTEE ON THE
RECORDS OF CONGRESS**

【§ 2701. Advisory Committee on the Records of Congress

【(a) There is established the Advisory Committee on the Records of Congress (hereafter in this chapter referred to as the Committee).

【(b) The Committee shall be subject to the provisions of chapter 10 of title 5, except that the Committee shall be of permanent duration, notwithstanding any provision of section 1013 of title 5.

【§ 2702. Membership; chairman; meetings

【(a)(1) The Committee shall consist of the eleven members including—

- 【(A)(i) the Secretary of the Senate;
- 【(ii) the Clerk of the House of Representatives;
- 【(iii) the Archivist of the United States;
- 【(iv) the Historian of the Senate; and
- 【(v) the Historian of the House of Representatives; and
- 【(B) six members of whom one shall be appointed by each of the following:
 - 【(i) the Speaker of the House of Representatives;
 - 【(ii) the Minority Leader of the House of Representatives;
 - 【(iii) the Majority Leader of the Senate;
 - 【(iv) the Minority Leader of the Senate;
 - 【(v) the Secretary of the Senate; and
 - 【(vi) the Clerk of the House of Representatives.

【(2) Each member appointed under paragraph (1)(B) shall have knowledge or expertise in United States history, archival management, publishing, library science, or use of legislative records.

【(b) The Secretary of the Senate shall serve as Chairman during the two-year period beginning on January 1, 1991, and the Clerk of the House of Representatives shall serve as Chairman during the two-year period beginning on January 1, 1993. Thereafter, such members shall alternate serving as Chairman for a term of two years.

【(c)(1) Members of the Committee referred to in subsection (a)(1)(A) shall serve only while holding such offices. Members appointed to the Committee under subsection (a)(1)(B) shall serve for a term of two years, and may be reappointed without limitation. The initial appointments for such terms shall begin on January 1, 1991.

【(2) Any vacancy on the Committee shall not affect the powers of the Committee. Any vacancy in an appointed position on the Committee shall be filled in the same manner in which the original appointment was made.

[(d)(1) No later than thirty days after the date on which the first session of the 102d Congress begins, the Committee shall hold its first meeting. Thereafter, the Committee shall meet semiannually or at the call of a majority of its members.

[(2) Seven members of the Committee shall constitute a quorum, but a lesser number may hold hearings.

[(§ 2703. Functions of the Committee

[(The Committee shall—

[(1) review the management and preservation of the records of Congress;

[(2) report to and advise the Congress and the Archivist of the United States on such management and preservation; and

[(3)(A) no later than December 31, 1991, conduct a study and submit a report to the Congress on—

[(i) the effect any transfer of records of the National Archives and Records Administration from facilities located in Washington, D.C., to any location outside of Washington, D.C., shall have on the management and preservation of the records of Congress; and

[(ii) the five year plan for the management and preservation of the records of Congress; and

[(B) no later than December 31, 1995, conduct a study to update the report submitted under subparagraph (A)(ii), and submit a report to the Congress.

[(§ 2704. Powers of the Committee

[(a) For purposes of carrying out the duties referred to under section 2703, the Committee or, on the authorization of the Committee, any subcommittee or member thereof, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as is appropriate.

[(b) The Committee may secure directly from any department or agency of the United States such information as the Committee may require to carry out the duties referred to under section 2703. Upon request of the Chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

[(§ 2705. Compensation and travel expenses

[(A member of the Committee may not be paid compensation for service performed as a member of the Committee. However, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Committee.

[(§ 2706. Administrative provisions

[(a) Upon request of the Committee, the head of any Federal agency is authorized to detail to the Committee, on a nonreimbursable basis, any of the personnel of such agency to assist the Committee in carrying out the duties referred to under section 2703 and such detail shall be without interruption or loss of civil service status or privilege.

【(b) For purposes of supporting the Committee, the Archivist may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-16 of the General Schedule under section 5332 of such title.】

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